

0

00:00:01.115 --> 00:00:02.285

Well, good morning everybody.

1

00:00:02.425 --> 00:00:03.805

Uh, it's 10 o'clock

2

00:00:04.185 --> 00:00:08.645

and, uh, this issue specific hearing five is resuming.

3

00:00:08.905 --> 00:00:11.925

Uh, can I just check ev, can everybody hear me? Yep.

4

00:00:13.355 --> 00:00:14.805

Just amazing waiting for the clock

5

00:00:14.805 --> 00:00:16.205

to take over to 10 this morning.

6

00:00:16.205 --> 00:00:20.605

Seems to take forever. Um,

7

00:00:20.905 --> 00:00:23.205

I'm just gonna do a very brief introduction.

8

00:00:23.425 --> 00:00:26.605

Um, general rules of the game as per yesterday.

9

00:00:27.105 --> 00:00:30.685

The main things to remind people about are toilets are

10

00:00:30.685 --> 00:00:31.845

through to my right.

11

00:00:32.425 --> 00:00:34.565

If the fire alarm goes, we will need to evacuate,

12

00:00:34.565 --> 00:00:35.885

wait out in the car park,

13

00:00:36.825 --> 00:00:40.645

and then, um, come back when we are instructed do

14

00:00:40.945 --> 00:00:41.965

by the hotel staff.

15

00:00:46.665 --> 00:00:51.525

Um, just a general reminder about the GDPR

16

00:00:51.705 --> 00:00:54.445

in terms of the event is being recorded.

17

00:00:55.145 --> 00:00:58.125

Um, and therefore, um, just be mindful of

18

00:00:58.125 --> 00:01:02.525

what you say in terms of ensuring that what you say is,

19

00:01:02.785 --> 00:01:04.845

um, suitable to be said in public.

20

00:01:06.225 --> 00:01:08.245

Um, and also a general reminder.

21

00:01:08.265 --> 00:01:11.245

But we've all been very well behaved in, in this hearing and

22

00:01:11.465 --> 00:01:13.085

or for this case actually, that you,

23

00:01:13.345 --> 00:01:16.725

you are all each remembering that every time you, you speak,

24

00:01:17.465 --> 00:01:19.485

uh, they give you name, um, at the point

25

00:01:19.485 --> 00:01:23.045

before you start, uh, responding to a point or a question.

26

00:01:25.445 --> 00:01:27.445

I think that's probably all I need to say in opening.

27

00:01:29.625 --> 00:01:34.085

Um, before we return to questions,

28

00:01:34.085 --> 00:01:37.525

particularly in relation to, um, IO ot,

29

00:01:38.095 --> 00:01:40.365

which we left yesterday, are there any points

30

00:01:40.365 --> 00:01:42.605

that anybody wants to raise with the examining authority,

31

00:01:42.945 --> 00:01:44.685

um, this morning in terms of things

32

00:01:44.685 --> 00:01:47.045

that may have developed overnight, um,

33

00:01:47.065 --> 00:01:48.365

before we we get going?

34

00:01:48.845 --> 00:01:49.845

Anything from the applicant's team,

35

00:01:51.055 --> 00:01:52.405

James Tro for the applicant?

36

00:01:52.405 --> 00:01:55.965

Good morning, sir. Uh, there was a question that, um,

37

00:01:55.965 --> 00:01:59.045

inspector Bradley asked of Mr.

38

00:01:59.265 --> 00:02:03.205

Hannon yesterday, which we

39

00:02:04.225 --> 00:02:07.005

didn't get to, but he's here this morning, so it may be

40

00:02:07.005 --> 00:02:09.125

that he can give you that answer.

41

00:02:09.545 --> 00:02:13.725

The, just to for your note, you asked him whether the

42

00:02:14.875 --> 00:02:16.405

simulations from the seventh

43

00:02:16.505 --> 00:02:19.885

and eighth of this month, uh, affected

44

00:02:20.745 --> 00:02:23.285

his conclusions on two parts of the

45

00:02:23.885 --> 00:02:25.245

navigational risk assessment.

46

00:02:25.515 --> 00:02:28.285

He's here this morning to give you that answer.

47

00:02:28.685 --> 00:02:30.205

I don't imagine it'll take much time,

48

00:02:30.225 --> 00:02:31.605

but I just, if it's convenient,

49

00:02:31.785 --> 00:02:33.445

we can do that now, if that helps.

50

00:02:37.695 --> 00:02:39.085

Thank you. I think we'll pick it up.

51

00:02:39.085 --> 00:02:41.005

We'll sweep it up, uh, later on, actually.

52

00:02:41.005 --> 00:02:42.005

Thank you very much.

53

00:02:43.335 --> 00:02:44.915

Was there anything else from applicant's team?

54

00:02:47.015 --> 00:02:51.595

No, sir. Anything from Harbor Master?

55

00:02:52.875 --> 00:02:54.275

Anything from IOT? Mr.

56

00:02:54.455 --> 00:02:56.075

Yes, ju just in relation

57

00:02:56.075 --> 00:02:58.835

to your question yesterday about the a hundred meters

58

00:02:59.035 --> 00:03:02.845

expectation, can I just draw your attention to the terms

59

00:03:02.985 --> 00:03:06.885

of the letter of the 28th of September, uh,

60

00:03:07.145 --> 00:03:10.885

as 20, which was the letter from Clyde

61

00:03:10.885 --> 00:03:13.165

and Co on behalf of ABP to yourselves?

62

00:03:14.305 --> 00:03:18.405

Um, the a hundred meters is inherent in

63

00:03:18.405 --> 00:03:19.765

that letter for this reason.

64

00:03:20.785 --> 00:03:24.405

If you look at 0.1 on the second page,

65

00:03:25.225 --> 00:03:28.325

the revised layout for the finger pier will enable a second

66

00:03:28.475 --> 00:03:30.325

coastal tanker to birth on the northern

67

00:03:30.395 --> 00:03:31.565
side of the finger pier.

68

00:03:34.145 --> 00:03:37.925
The, uh, the coasters, um, are

69

00:03:39.105 --> 00:03:41.405
up to 104 meters in length

70

00:03:41.665 --> 00:03:45.925
and require something of the order of 25 meters between, uh,

71

00:03:46.065 --> 00:03:48.325
in order to safely birth

72

00:03:48.705 --> 00:03:52.845
and, uh, tie up that generates a figure

73

00:03:53.385 --> 00:03:57.925
of about 300 meters, which is give

74

00:03:57.925 --> 00:04:00.005
or take, room

75

00:04:00.065 --> 00:04:02.685
for maneuver is about another a hundred meters.

76

00:04:04.665 --> 00:04:06.805
So that it's inherent in the terms

77

00:04:07.505 --> 00:04:09.285
of paragraph one of that letter.

78

00:04:19.405 --> 00:04:22.115
Thank you, Mr. El. We'll, we'll be coming back to that.

79

00:04:22.295 --> 00:04:26.555
Um, when we get to recom commencing the, uh, the questions

80

00:04:26.855 --> 00:04:28.275

and hopefully Mr.

81

00:04:28.625 --> 00:04:31.835

Bria or Kamar Bria, um, has had the opportunity

82

00:04:31.835 --> 00:04:32.995

to look at everything overnight

83

00:04:33.055 --> 00:04:35.435

or somebody from the team has them, will update us.

84

00:04:35.895 --> 00:04:39.275

Was there anything else? The iot No. No. Anything from CLDN?

85

00:04:40.055 --> 00:04:41.635

No. Anything from DFDS?

86

00:04:41.875 --> 00:04:45.675

Isabella? Four four DFDS? Uh, just, uh, one thing, sir.

87

00:04:46.415 --> 00:04:50.835

We agreed yesterday that we will provide the DFDS schedules

88

00:04:50.835 --> 00:04:53.555

to assist with the graphic that you've asked the applicant

89

00:04:53.555 --> 00:04:55.515

to produce in relation to congestion.

90

00:04:56.175 --> 00:04:58.795

Um, we provided those schedules this morning.

91

00:05:00.335 --> 00:05:04.435

We also, um, have, have committed to providing,

92

00:05:05.215 --> 00:05:07.635

uh, tracking information from vessels into

93

00:05:07.735 --> 00:05:09.715

and outta ingham, including the outer harbor

94

00:05:10.185 --> 00:05:13.195

with the timestamps, so it can see how long those

95

00:05:13.865 --> 00:05:15.435

processes and maneuvers take.

96

00:05:16.735 --> 00:05:20.875

The applicant has, um, indicated that what thereafter, um,

97

00:05:21.015 --> 00:05:24.315

are simulations that were carried out, um, in relation

98

00:05:24.315 --> 00:05:25.435

to the Mingma Harbor.

99

00:05:26.335 --> 00:05:30.275

Now, the Mingma Harbor was first commissioned in 2006, uh,

100

00:05:30.275 --> 00:05:31.475

so quite some time ago,

101

00:05:31.495 --> 00:05:33.155

and it was in 2018

102

00:05:33.155 --> 00:05:35.355

that the jingling vessels were brought in.

103

00:05:36.055 --> 00:05:40.195

So again, five years ago, um, we are not sure,

104

00:05:40.855 --> 00:05:42.315

we don't have the people hit, the people

105

00:05:42.335 --> 00:05:44.755

who are here today weren't involved in any

106

00:05:44.755 --> 00:05:45.795

of those simulations,

107

00:05:46.295 --> 00:05:49.595

and we are not sure whether that's simulation, um,

108

00:05:50.305 --> 00:05:53.555

information is available, but we will look into it.

109

00:05:53.895 --> 00:05:55.115

But from our perspective,

110

00:05:55.175 --> 00:05:59.485

the most useful thing are the actual times, um, that we can,

111

00:05:59.905 --> 00:06:00.925

can and have committed

112

00:06:00.925 --> 00:06:03.125

to producing from the vessels tracking information.

113

00:06:03.585 --> 00:06:06.445

And we've offered to do that within the next few days so

114

00:06:06.445 --> 00:06:09.085

that we can get the vessel movements tracked.

115

00:06:09.545 --> 00:06:10.885

So we will look into it.

116

00:06:10.885 --> 00:06:12.085

If we do have the simulations,

117

00:06:12.085 --> 00:06:13.165

we will of course provide them.

118

00:06:13.545 --> 00:06:15.725

But for the purposes of the graphic

119

00:06:15.825 --> 00:06:18.885

and the analysis of congestion, from our perspective,

120

00:06:18.995 --> 00:06:22.765

it's more useful to have the actual movements and timings.

121

00:06:25.175 --> 00:06:28.645

Thank you. Yeah, I, I'm not quite sure what the relevance

122

00:06:28.645 --> 00:06:31.965

of the historic information would be 'cause really,

123

00:06:32.425 --> 00:06:34.805

and this, the examining authority wasn't clear.

124

00:06:35.065 --> 00:06:39.525

We are just looking to see in effect what happens, um,

125

00:06:41.265 --> 00:06:43.885

on a day to day IE the current time,

126

00:06:43.985 --> 00:06:48.565

and then how that might be affected by, um, the addition

127

00:06:48.565 --> 00:06:52.205

of six movements, um, in respect

128

00:06:52.205 --> 00:06:53.365

to the proposed development.

129

00:06:53.825 --> 00:06:56.365

So I'm not sure where trawling back

130

00:06:56.385 --> 00:06:58.765

to old simulation data really gets to anybody,

131

00:06:58.865 --> 00:07:00.405

but maybe the applicant can explain

132

00:07:01.585 --> 00:07:03.085

and we, we might be able to resolve whether

133

00:07:03.085 --> 00:07:05.245

or not it's need necessary to go back

134

00:07:05.245 --> 00:07:07.405

and, uh, look for potentially very old

135

00:07:07.405 --> 00:07:08.725

information which may have been destroyed.

136

00:07:08.725 --> 00:07:10.645

Anyway. Mr.

137

00:07:10.925 --> 00:07:13.045

Raun or anybody from the applicant's team, can you assist

138

00:07:13.735 --> 00:07:15.045

James Strawman for the applicant?

139

00:07:15.425 --> 00:07:19.925

Yes, sir. The request yesterday that we're actioning

140

00:07:20.785 --> 00:07:25.365

is obviously relating to this topic of congestion

141

00:07:25.585 --> 00:07:28.885

and understanding how the harbor operates.

142

00:07:28.945 --> 00:07:32.005

So yes, the scheduling's been provided

143

00:07:32.225 --> 00:07:34.765

and grateful for the indication.

144

00:07:34.775 --> 00:07:38.005

We're going to get the movement data, uh,

145

00:07:38.005 --> 00:07:39.725

shortly, which will assist.

146

00:07:40.385 --> 00:07:43.605

Uh, as I said yesterday, I, I

147

00:07:44.205 --> 00:07:46.925

reiterated the request I'd made, I think on,

148

00:07:47.325 --> 00:07:48.965

I can't remember which hearing it was

149

00:07:49.595 --> 00:07:53.405

because we'd had some considerable discussion

150

00:07:54.255 --> 00:07:59.005

about in the context of risk assessment, the

151

00:08:00.325 --> 00:08:03.485

DFDS maneuvers into the outer harbor in the proximity to the

152

00:08:03.995 --> 00:08:05.245

Western jetty,

153

00:08:06.265 --> 00:08:10.485

for which I'd understood on the last occasion when I raised

154

00:08:10.485 --> 00:08:13.765

this, there is simulation equivalent to the sort

155

00:08:13.765 --> 00:08:16.645

of simulation you've seen for maneuvering

156

00:08:16.645 --> 00:08:17.645

to the Eastern jetty.

157

00:08:18.145 --> 00:08:21.645

And, uh, I'd made that request at the previous hearing

158

00:08:22.025 --> 00:08:23.165

to be provided with it.

159

00:08:23.285 --> 00:08:24.605

I renewed the request yesterday

160

00:08:24.685 --> 00:08:25.925

'cause we haven't received it.

161

00:08:26.425 --> 00:08:30.925

And I did say, because I, when we had the data up for

162

00:08:31.665 --> 00:08:33.645
our maneuvers, the question was

163

00:08:33.665 --> 00:08:36.885
how long it took when you were in the operative area.

164

00:08:37.905 --> 00:08:39.525
So it may be that that could be done

165

00:08:39.525 --> 00:08:43.045
for the congestion purposes by reference to a data i,

166

00:08:43.205 --> 00:08:45.085
I agnostic about that.

167

00:08:45.585 --> 00:08:49.525
But the, the request I'D made on the previous occasion,

168

00:08:49.695 --> 00:08:53.525
which is we would suggest material if it's being suggested

169

00:08:53.525 --> 00:08:55.805
that there's some intolerable risk

170

00:08:56.305 --> 00:08:59.165
of maneuvering in proximity to the eastern jetty

171

00:08:59.665 --> 00:09:02.165
to understand what's accepted

172

00:09:02.825 --> 00:09:06.045
and has been going on for over five years in proximity

173

00:09:06.105 --> 00:09:07.125
to the western jetty.

174

00:09:07.585 --> 00:09:11.365
And the simulations would show, um, how that was

175

00:09:12.965 --> 00:09:16.365
accepted by all parties concerned

176

00:09:17.105 --> 00:09:19.245
as a a per a manageable risk.

177

00:09:19.425 --> 00:09:22.445
And that's relevant context because it's existing operation.

178

00:09:22.705 --> 00:09:24.525
So we,

179

00:09:25.765 --> 00:09:27.765
I didn't get any pushback on the last occasion.

180

00:09:28.005 --> 00:09:29.565
I just haven't had the information

181

00:09:30.025 --> 00:09:31.965
and that, uh, so I'd still be grateful

182

00:09:33.065 --> 00:09:34.965
for provision of that information.

183

00:09:35.045 --> 00:09:37.645
I think Ms. Fer is indicating she's going to look into it.

184

00:09:38.225 --> 00:09:42.765
So, um, but that's, I hope that explains the position. Thank

185

00:09:42.765 --> 00:09:43.765
You for the clarification.

186

00:09:46.805 --> 00:09:49.225
Do you have to, is is that of assistance?

187

00:09:49.255 --> 00:09:53.745
That is a slightly different pitch for information compared

188

00:09:53.745 --> 00:09:54.905

to what we were discussing

189

00:09:54.975 --> 00:09:56.585
yesterday on the congestion point.

190

00:09:57.165 --> 00:10:00.305
It, it's a, a re a re-request for something

191

00:10:00.305 --> 00:10:02.225
that was asked at those last of the hearings.

192

00:10:02.225 --> 00:10:03.865
But does that provide sufficient clarity,

193

00:10:04.145 --> 00:10:05.865
Isabella, to, for, for DFDS?

194

00:10:05.945 --> 00:10:07.505
I confess, I don't recall that request.

195

00:10:07.845 --> 00:10:09.625
Um, and nor do others with me,

196

00:10:09.625 --> 00:10:11.025
but that may well be our error,

197

00:10:11.445 --> 00:10:14.665
and if so, we apologize for missing that request.

198

00:10:15.365 --> 00:10:18.665
Um, obviously I've said if we will have a look for them,

199

00:10:18.685 --> 00:10:20.465
if they're available, we will provide them.

200

00:10:20.525 --> 00:10:23.665
And you understand, I hope the respective, um,

201

00:10:24.025 --> 00:10:25.705
positions about the difference, um,

202

00:10:25.935 --> 00:10:27.545
between the eing outer harbor

203

00:10:27.565 --> 00:10:28.785
and the development proposed here,

204

00:10:28.785 --> 00:10:31.265
which I don't think we need to tremble over again.

205

00:10:52.595 --> 00:10:54.925
Okay. Well, I I think we've sorted out the sort

206

00:10:54.925 --> 00:10:57.925
of housekeeping type matters from overnight, the, as far

207

00:10:57.925 --> 00:10:59.205
as we can take 'em before we actually get

208

00:10:59.205 --> 00:11:00.325
into some of the questioning.

209

00:11:00.945 --> 00:11:04.805
Uh, so I therefore propose we go back, uh, to

210

00:11:04.805 --> 00:11:09.485
what was agenda item D and, and deal with the IO OT points.

211

00:11:09.985 --> 00:11:13.925
But just before we do that, uh, while it's still fresh in,

212

00:11:13.985 --> 00:11:17.045
in my memory, um, with lots of notes scribbled around here,

213

00:11:17.045 --> 00:11:19.165
they're and everywhere, uh, there's,

214

00:11:19.165 --> 00:11:21.485
there's been a query raised about tug availability.

215

00:11:22.625 --> 00:11:27.045

Um, so I'm gonna ask a question or two about tugs.

216

00:11:27.465 --> 00:11:32.005

Um, now I, I suspect that those in the room will not be able

217

00:11:32.005 --> 00:11:33.085

to answer the question,

218

00:11:33.265 --> 00:11:35.085

but it's probably something that's gonna need

219

00:11:35.085 --> 00:11:37.965

to be taken away to the, uh, um,

220

00:11:38.025 --> 00:11:41.125

and put to the, to tug service providers.

221

00:11:42.185 --> 00:11:46.205

Um, but certainly I think DFDS have raised issues

222

00:11:46.305 --> 00:11:49.565

and possibly iot about the availability of tugs

223

00:11:50.265 --> 00:11:55.125

and, um, if there's additional vessel movement pressure

224

00:11:55.125 --> 00:11:58.245

that might be, um, put on the, the tug operators.

225

00:11:58.655 --> 00:12:01.605

We've seen some commentary from the tug operators basically

226

00:12:01.605 --> 00:12:05.525

saying they will respond to in effect market demand.

227

00:12:06.585 --> 00:12:11.145

Um, And it, it, the suggestion from the,

228

00:12:11.495 --> 00:12:12.665

from the correspondence

229

00:12:12.665 --> 00:12:14.625
that was submitted via the applicant was

230

00:12:14.735 --> 00:12:18.385
that they potentially can manu move some tugs from,

231

00:12:19.085 --> 00:12:20.345
um, other ports.

232

00:12:20.765 --> 00:12:23.505
Um, but really the question that I've got,

233

00:12:23.505 --> 00:12:24.505
and it, it kind

234

00:12:24.505 --> 00:12:27.065
of follows on from the question we raised about the,

235

00:12:27.285 --> 00:12:30.745
the design and build for the design vessel.

236

00:12:31.645 --> 00:12:36.625
Um, I think we'd, we'd like some assistance, um, in respect

237

00:12:36.765 --> 00:12:39.665
of if one of the tug operators

238

00:12:39.665 --> 00:12:42.545
or both of the tug operators decided that they needed

239

00:12:42.605 --> 00:12:47.305
to expand their fleet, how long does it take, uh,

240

00:12:47.485 --> 00:12:51.785
in effective place an order then have a new tug built

241

00:12:52.765 --> 00:12:55.385
and then get it commissioned and get it on site?

242

00:12:59.025 --> 00:13:02.825

I don't know, uh, captain Furman, his spine, whether

243

00:13:02.825 --> 00:13:05.145
that's something that he can put, um,

244

00:13:05.325 --> 00:13:07.625
or whether that's on the other the applicant puts, uh,

245

00:13:07.625 --> 00:13:10.665
to the two operators or whether Captain Furman even knows.

246

00:13:10.695 --> 00:13:13.745
It's just possible with quite a broad smile there.

247

00:13:13.745 --> 00:13:16.025
He might know the answer, but we Captain

248

00:13:16.025 --> 00:13:17.345
Furman, do you, do you want to kick off?

249

00:13:18.215 --> 00:13:20.225
Yeah, good morning, sir. Andrew Furman Harbor Master

250

00:13:20.465 --> 00:13:21.985
Humber, no, I'm afraid your initial,

251

00:13:22.285 --> 00:13:23.585
um, suspicions were correct.

252

00:13:23.685 --> 00:13:26.185
The, the two operators would be able to help with that.

253

00:13:26.525 --> 00:13:28.865
Um, there is a, a long-term view

254

00:13:28.865 --> 00:13:30.385
and a short-term view that they take.

255

00:13:30.485 --> 00:13:33.145
So they're quite often investing in new tonnage

256

00:13:33.165 --> 00:13:36.265

or moving tonnage around the ports, um, and,

257

00:13:36.285 --> 00:13:37.505

and reacting to the market.

258

00:13:38.045 --> 00:13:39.665

But in regards to how long a a,

259

00:13:39.785 --> 00:13:41.705

a fresh new build would take, um, you,

260

00:13:41.725 --> 00:13:43.145

you would have to, uh, ask them

261

00:13:49.335 --> 00:13:52.305

Commander Bristow, I think we'll be able to assist

262

00:13:52.645 --> 00:13:54.505

to some degree, but you'll need some

263

00:13:54.505 --> 00:13:55.865

more detailed answer in due course.

264

00:13:58.325 --> 00:14:02.185

So Paul Bristow from, uh, ADP, the, I, um,

265

00:14:02.865 --> 00:14:05.585

entirely agree with the, the, the Harbor Masters assessment,

266

00:14:05.805 --> 00:14:10.465

but we do see, um, SMS, which is a UK based organization,

267

00:14:10.665 --> 00:14:13.145

svitzer has a, a fleet right across Europe.

268

00:14:13.725 --> 00:14:17.825

We do see them moving vessels between ports regularly,

269

00:14:18.165 --> 00:14:20.065

not just the ports up on the Northeast,

270

00:14:20.065 --> 00:14:21.865
but indeed they move them right

271

00:14:21.865 --> 00:14:24.705
around UK from an SSMS perspective.

272

00:14:25.045 --> 00:14:26.105
So they do have an ability

273

00:14:26.205 --> 00:14:27.865
to respond quickly in that regard.

274

00:14:28.375 --> 00:14:30.945
There's also a charter market where they could go out

275

00:14:31.045 --> 00:14:34.825
and bring in an additional tug, uh, on a short

276

00:14:34.845 --> 00:14:37.065
or indeed a long-term charter as a hire.

277

00:14:37.845 --> 00:14:41.625
And then finally there is the new build option, which, um,

278

00:14:42.285 --> 00:14:45.145
as the Harbor Master said, we would need to confer with the,

279

00:14:45.165 --> 00:14:49.705
uh, that companies directly to get their assessment of, uh,

280

00:14:49.705 --> 00:14:51.845
from placing an order to taking delivery

281

00:14:51.865 --> 00:14:53.325
and bringing it into operation.

282

00:14:53.425 --> 00:14:56.445
But there are a number of short term fixes

283

00:14:57.185 --> 00:15:00.845

should the market require additional, uh, towage.

284

00:15:01.815 --> 00:15:02.815

Thank you, sir.

285

00:15:21.305 --> 00:15:23.665

I, I think it would be useful if,

286

00:15:23.685 --> 00:15:26.385

if the question could be built, uh, put to, um,

287

00:15:27.125 --> 00:15:28.785

the operators that if they were having

288

00:15:28.785 --> 00:15:31.705

to go out in the marketplace to, um,

289

00:15:32.205 --> 00:15:35.225

in effect procure something new, just what the lead in time

290

00:15:35.365 --> 00:15:36.505

for that might be.

291

00:15:41.325 --> 00:15:45.145

Is there anything on tugs that, um, any

292

00:15:45.145 --> 00:15:49.345

of the other ips wish to raise at this point? D fts

293

00:15:50.065 --> 00:15:51.865

Isabella four for DFDS,

294

00:15:52.945 --> 00:15:54.825

I think we've already set out our position on,

295

00:15:54.965 --> 00:15:56.185

on tugs in writing.

296

00:15:56.765 --> 00:16:01.585

Um, our concern is that the difficulty is that when tugs are

297

00:16:02.385 --> 00:16:05.425

required, it's usually in certain conditions when there's

298

00:16:05.545 --> 00:16:06.625

a high demand for them.

299

00:16:07.165 --> 00:16:09.985

Um, and there's a sweet spot for the tug operators,

300

00:16:09.995 --> 00:16:12.225

which means they don't want to commission

301

00:16:12.225 --> 00:16:15.345

or make available a lot of tugs in an area which just

302

00:16:16.045 --> 00:16:17.625

sit idle for much of the time.

303

00:16:18.285 --> 00:16:22.905

Um, so that hasn't been the practical experience

304

00:16:22.905 --> 00:16:27.705

of DFDS, that then in times where there is peak demand,

305

00:16:28.035 --> 00:16:30.225

there are often delays and difficulties.

306

00:16:30.845 --> 00:16:34.905

Um, so we, our concerns remain that

307

00:16:35.685 --> 00:16:39.385

the market isn't the sole answer because of the downtime

308

00:16:39.385 --> 00:16:42.265

and the cost, um, to the tug operators.

309

00:17:10.075 --> 00:17:13.325

Turning to CLD, is there anything you wish

310

00:17:13.325 --> 00:17:16.205
to say on tugs in terms of your experience

311

00:17:16.205 --> 00:17:17.405
of operating ports?

312

00:17:20.465 --> 00:17:21.645
Uh, Robbie Aaron, CLDN?

313

00:17:21.705 --> 00:17:25.885
My own experience is to the limited sir, uh,

314

00:17:26.315 --> 00:17:28.725
CD's experience is, is, is enormous as you know,

315

00:17:28.785 --> 00:17:30.965
but, uh, I'm not aware that this is an issue they want

316

00:17:30.965 --> 00:17:32.725
to raise in this hearing. Thank

317

00:17:32.725 --> 00:17:33.725
You. I just thought I'd,

318

00:17:33.725 --> 00:17:35.725
I'd give CLDN the opportunity

319

00:17:35.725 --> 00:17:36.965
before we go to IOT.

320

00:17:37.285 --> 00:17:38.285
Anything on tugs?

321

00:17:39.465 --> 00:17:42.125
Uh, we have a concern that the overall number

322

00:17:42.125 --> 00:17:44.685
of tugs in fact, has gone down in recent years.

323

00:17:45.215 --> 00:17:46.445

We're going to look into that.

324

00:17:46.705 --> 00:17:50.285

Um, one specific issue we have noticed, um,

325

00:17:50.725 --> 00:17:54.885

IO OT paid 25% of the costs of a dedicated fire tug

326

00:17:55.705 --> 00:17:58.645

for, uh, immingham, which costs are shared

327

00:17:58.645 --> 00:18:01.125

with the Harbor master and ABP.

328

00:18:01.705 --> 00:18:05.245

And we have noticed in recent times, as a result of an,

329

00:18:05.245 --> 00:18:09.045

an apparent shortage of tugs, that fire tug is now having

330

00:18:09.065 --> 00:18:10.885

to serve a wider and wider area

331

00:18:11.145 --> 00:18:14.205

and is not station keeping in the location

332

00:18:14.205 --> 00:18:16.205

where it originally started as a result.

333

00:18:16.985 --> 00:18:18.005

So it's a matter we,

334

00:18:18.005 --> 00:18:19.965

we will have a look at and put in a note.

335

00:18:23.435 --> 00:18:27.425

Thank you. Mr. Ar uh, question for the hubber master, uh,

336

00:18:27.425 --> 00:18:30.145

following that up is the more than one fire

337

00:18:30.345 --> 00:18:31.585
tug in the Humber,

338

00:18:34.285 --> 00:18:35.945
Andrew Furman Hubber, master Humber.

339

00:18:35.945 --> 00:18:39.465
There, there's only one fire tug on duty at any one time at

340

00:18:39.465 --> 00:18:42.145
the moment, that's provided by a single provider Svitzer,

341

00:18:42.365 --> 00:18:44.825
but they have more than one unit that can, um,

342

00:18:44.825 --> 00:18:45.865
provide that service.

343

00:18:46.765 --> 00:18:51.065
Uh, in relation to number of Tooks, um, at the moment,

344

00:18:51.185 --> 00:18:53.905
I think we have 16, which is not particularly much lower

345

00:18:53.905 --> 00:18:56.665
than the peak when we were moving many thousands

346

00:18:56.665 --> 00:18:59.145
of vessels more, but they are larger vessels.

347

00:18:59.145 --> 00:19:02.905
And as Mr. Fright Lee said, there are peak demands in, um,

348

00:19:03.795 --> 00:19:05.545
times of high winds, et cetera,

349

00:19:05.545 --> 00:19:09.505
which is when everybody suddenly wants a to, um, in regards

350

00:19:09.505 --> 00:19:11.465

to the fire to, it's always done, other duties

351

00:19:11.645 --> 00:19:12.865

to make it feasible

352

00:19:12.865 --> 00:19:15.225

because hopefully it's never used for its, um,

353

00:19:15.535 --> 00:19:16.865

primary concern.

354

00:19:17.285 --> 00:19:18.625

So there, there is a balance there,

355

00:19:18.625 --> 00:19:21.065

but that's not necessarily directly related to the,

356

00:19:21.125 --> 00:19:23.265

the number of tugs or, or demand.

357

00:19:23.265 --> 00:19:25.425

It is about managing those peaks effectively.

358

00:19:29.005 --> 00:19:30.505

But if I understand it, there's, there's,

359

00:19:30.675 --> 00:19:33.985

there is one on duty at, uh, any time,

360

00:19:34.125 --> 00:19:36.225

but there is more than one fire tug unit

361

00:19:37.845 --> 00:19:38.845

That's correct. And

362

00:19:38.845 --> 00:19:40.745

actually, if it went off to deal with an incident

363

00:19:41.005 --> 00:19:42.585

of some type, which may not be a fire,

364

00:19:42.585 --> 00:19:44.985

it may be recovering a vessel, then there is, um,

365

00:19:44.985 --> 00:19:46.025

provision in the contract

366

00:19:46.025 --> 00:19:48.185

that they must backfill the provision so

367

00:19:48.185 --> 00:19:49.705

that the fire coverage is continuous

368

00:19:49.705 --> 00:19:50.865

while it's dealing with an incident.

369

00:19:52.235 --> 00:19:52.865

Thank you help.

370

00:20:12.505 --> 00:20:16.195

Just to round that off, are there any comments on, uh,

371

00:20:16.295 --> 00:20:18.155

tag availability from applicant's team?

372

00:20:26.605 --> 00:20:27.695

Good, thank you. Uh,

373

00:20:27.955 --> 00:20:31.255

before we resume on two D, there's just a, a,

374

00:20:31.315 --> 00:20:35.215

an action which I would, uh, request CLDN to take away.

375

00:20:35.955 --> 00:20:39.095

Um, again, I think it's most unlikely

376

00:20:39.095 --> 00:20:41.295

that you'll have the information at fingertips,

377

00:20:41.395 --> 00:20:44.655

but, uh, it'd be quite useful if it could be made available

378

00:20:44.875 --> 00:20:47.325

by the end of the afternoon, by the end of this hearing,

379

00:20:47.465 --> 00:20:50.565

but if not, uh, at deadline seven.

380

00:20:51.305 --> 00:20:53.285

And it is that, um,

381

00:20:54.705 --> 00:20:56.765

We would Like

382

00:20:56.765 --> 00:21:00.685

to understand a bit more about the CLDN fleet operating from

383

00:21:00.685 --> 00:21:04.965

killing home and, uh, what is the largest row row vessel

384

00:21:05.545 --> 00:21:06.805

in current operation?

385

00:21:09.785 --> 00:21:14.125

And it's essentially, its its characteristics compared

386

00:21:14.125 --> 00:21:16.365

with the ginlink vessel, which we were

387

00:21:16.365 --> 00:21:17.405

hearing about yesterday.

388

00:21:19.185 --> 00:21:22.165

Um, and the follow up to that is,

389

00:21:24.505 --> 00:21:28.365

and this is to some extent, uh, uh,

390

00:21:28.995 --> 00:21:31.485

arbitrary, but what are the two highest risks

391

00:21:31.755 --> 00:21:33.605
that have been assessed for birthing

392

00:21:33.625 --> 00:21:36.885
or unring of that largest vessel at killing home?

393

00:21:41.025 --> 00:21:45.245
And what risk controls are applied at killing home

394

00:21:45.985 --> 00:21:49.125
for that, for those two highest rated risks?

395

00:21:52.945 --> 00:21:56.605
So it's really by way of giving us a calibration, a,

396

00:21:56.765 --> 00:22:01.525
a comparison with the situation that we've been examining at

397

00:22:02.385 --> 00:22:03.485
the proposed iert.

398

00:22:04.505 --> 00:22:08.805
Um, so as I say, if possible,

399

00:22:08.905 --> 00:22:10.925
if answers can be gleaned

400

00:22:11.265 --> 00:22:13.925
to be fed into the examination this afternoon, great.

401

00:22:13.985 --> 00:22:17.005
And if not, uh, a written submission is fine. Thank you.

402

00:22:18.145 --> 00:22:21.725
Um, I will just ask Harbormaster,

403

00:22:22.905 --> 00:22:26.005
are there any other R0 services in the Humber ports

404

00:22:26.005 --> 00:22:28.005

generally other than at Ingham

405

00:22:28.005 --> 00:22:31.685

or killing home that use vessels larger than the Gin ling?

406

00:22:34.065 --> 00:22:36.805

Uh, Andrew Furman Harbor Master?

407

00:22:37.185 --> 00:22:39.445

Um, the, the example I would, off the top

408

00:22:39.445 --> 00:22:41.445

of my head would be the pride of hu the p

409

00:22:41.445 --> 00:22:44.085

and o Hull Ferry service is probably the largest

410

00:22:44.225 --> 00:22:45.325

row row outside of those.

411

00:22:46.225 --> 00:22:50.085

Is that a ax? Uh, yeah. Uh, yeah.

412

00:22:50.275 --> 00:22:52.725

Many passengers in a different magnitude of, uh,

413

00:22:52.725 --> 00:22:55.165

passenger carrying to the, to the other services. Yeah.

414

00:22:55.395 --> 00:22:58.205

Yeah. Um, the, the context

415

00:22:58.425 --> 00:23:02.965

for the question really is just try to understand, uh, the

416

00:23:06.085 --> 00:23:08.525

handling characteristics of the largest row row vessels

417

00:23:08.595 --> 00:23:10.565

with which HES are familiar.

418

00:23:12.905 --> 00:23:15.005

Andrew Furman Harbor Master, uh, yes.

419

00:23:15.005 --> 00:23:17.965

That, that is an example actually of a vessel that is built

420

00:23:18.145 --> 00:23:21.725

for a service that realizes it has to, um, arrive

421

00:23:21.725 --> 00:23:24.205

and depart every day as to the best of its ability,

422

00:23:24.295 --> 00:23:27.365

given the amount of, um, freight and passengers involved.

423

00:23:27.905 --> 00:23:30.645

Um, it does have recourse to tugs in,

424

00:23:30.645 --> 00:23:31.645

in the strongest winds.

425

00:23:31.665 --> 00:23:35.685

So it's a good example of a, a fit for purpose service that

426

00:23:35.685 --> 00:23:37.645

that's built with its, uh, demands in mind.

427

00:23:38.895 --> 00:23:43.245

Thank you. So I think now we can pick up

428

00:23:43.875 --> 00:23:46.325

more or less where we left off on two D.

429

00:23:46.615 --> 00:23:50.285

Could we start, please, uh, with displaying, uh,

430

00:23:51.425 --> 00:23:53.645

app oh nine two, the, uh,

431

00:23:54.865 --> 00:23:58.965

the application simulation, uh, appendices run number 30,

432

00:24:00.065 --> 00:24:04.405

uh, and this is, um, a tanker with towage, uh, to

433

00:24:05.025 --> 00:24:08.245

the IOT birth number eight, um,

434

00:24:09.225 --> 00:24:13.125

as I understand it, flood tide, uh, and offshore wind.

435

00:24:13.825 --> 00:24:17.565

Um, whilst we're waiting for that to come up on screen, um,

436

00:24:20.745 --> 00:24:21.885

I'm gonna be asking Mr.

437

00:24:22.185 --> 00:24:25.645

Par if you can, uh, recall, um,

438

00:24:26.505 --> 00:24:30.725

why this particular run was modeled, was not modeled with a,

439

00:24:30.805 --> 00:24:33.765

a vessel on I at birth number one.

440

00:24:34.335 --> 00:24:35.725

We'll, we'll see it on screen in a moment,

441

00:24:35.725 --> 00:24:39.045

and that'll perhaps prompt your, your, uh, recall on this.

442

00:24:39.425 --> 00:24:40.725

And I'm gonna be asking Mr.

443

00:24:40.865 --> 00:24:45.165

Hannon, um, and this, I'm afraid, Mr.

444

00:24:45.225 --> 00:24:47.245

Hannon, I'm sorry, I, I recognize

445

00:24:47.245 --> 00:24:48.405
that possibly your colleague, Mr.

446

00:24:48.645 --> 00:24:50.085
Aldrich was involved in this,

447

00:24:50.105 --> 00:24:53.285
and you may need to take reference,

448

00:24:53.305 --> 00:24:56.685
but, uh, I'll be asking really on, uh, the, the,

449

00:24:56.685 --> 00:25:01.005
the assessment of the, this particular, uh, hazard, um,

450

00:25:01.305 --> 00:25:02.365
or set of hazards.

451

00:25:03.065 --> 00:25:06.885
So, um, how are we doing on getting this on screen,

452

00:25:11.265 --> 00:25:12.265
Sir? My par

453

00:25:12.265 --> 00:25:15.165
HR Wallingford representing ABP,

454

00:25:16.165 --> 00:25:19.485
I don't recall precisely why there wasn't a vessel on the

455

00:25:19.505 --> 00:25:20.725
eye at berth for this run.

456

00:25:21.645 --> 00:25:23.325
I suspect the honest

457

00:25:23.385 --> 00:25:26.925
and truthful answer is that the vessel was intended

458

00:25:26.945 --> 00:25:30.645

to be there, and for some reason in the setup of the,

459

00:25:30.645 --> 00:25:33.405

the simulation run, we were re readjusting or rerunning it,

460

00:25:33.545 --> 00:25:35.045

and the vessel wasn't placed there,

461

00:25:35.545 --> 00:25:37.645

and we either would've repeated it

462

00:25:37.645 --> 00:25:41.525

or would've been agreed that you could deduce from the, um,

463

00:25:41.665 --> 00:25:44.045

the track plot that there, there wasn't a requirement

464

00:25:44.045 --> 00:25:45.845

to rerun with the vessel there,

465

00:25:45.845 --> 00:25:48.885

because you can see the sweat path wasn't affected

466

00:25:48.945 --> 00:25:50.245

by the IA vessel.

467

00:25:50.325 --> 00:25:51.605

I, I'll have a quick look at the plot now.

468

00:25:51.605 --> 00:25:53.725

It's on screen and see if I agree with that conclusion.

469

00:25:56.115 --> 00:25:58.885

Fine. Um, I understand.

470

00:25:58.995 --> 00:26:01.605

Well, I was going to be coming on later on if necessary

471

00:26:01.605 --> 00:26:04.045

to have a look at the, um, sweat path analyses

472

00:26:04.225 --> 00:26:05.445
for birth number eight.

473

00:26:06.105 --> 00:26:10.445
Uh, this simulation run, uh, is I think

474

00:26:10.445 --> 00:26:13.005
of some interest if we could, um, perhaps go

475

00:26:13.305 --> 00:26:15.125
to the next frame.

476

00:26:15.745 --> 00:26:17.485
If we could scroll down to the,

477

00:26:18.565 --> 00:26:20.365
I think there's a possibly later on as

478

00:26:21.045 --> 00:26:26.045
a zoomed in view,

479

00:26:27.545 --> 00:26:31.125
Um, could we have a little

480

00:26:31.215 --> 00:26:32.805
commentary on, on this?

481

00:26:32.935 --> 00:26:35.965
We've got, um, we've got double tug on,

482

00:26:36.345 --> 00:26:38.445
uh, this simulation.

483

00:26:39.655 --> 00:26:44.245
We've got, um, conditions which,

484

00:26:44.465 --> 00:26:46.845
uh, perhaps I should ask you to comment on Mr.

485

00:26:46.855 --> 00:26:48.725

Power, uh, just, just to give context

486

00:26:49.305 --> 00:26:51.045

and then I'll ask IOT if

487

00:26:51.045 --> 00:26:52.245

they'd like to make comments on this.

488

00:26:53.585 --> 00:26:56.805

So I think the most pertinent comment on these conditions

489

00:26:57.185 --> 00:26:59.565

is that this is 30 knots of wind

490

00:27:00.345 --> 00:27:04.605

and, uh, there was some confusion, um, during the setting up

491

00:27:04.605 --> 00:27:07.965

for, uh, these runs from the, the stakeholders as to

492

00:27:07.965 --> 00:27:10.245

what the limit for their onshore wind is.

493

00:27:10.435 --> 00:27:13.325

Yeah. And I understand that it's 30 miles an hour,

494

00:27:13.815 --> 00:27:15.965

which is significantly less than 30 knots.

495

00:27:15.965 --> 00:27:19.685

Yeah. And we were running at 30 knots as opposed

496

00:27:19.685 --> 00:27:20.765

to 30 miles an hour.

497

00:27:20.815 --> 00:27:24.725

We've subsequently, having reviewed the documentation,

498

00:27:25.865 --> 00:27:29.405

uh, now would consider that 30 knots onshore wind

499

00:27:29.405 --> 00:27:31.285
to IOTA is well above

500

00:27:31.285 --> 00:27:34.125
and beyond what a tanker of this class would be expected

501

00:27:34.125 --> 00:27:36.005
to operate in current conditions.

502

00:27:37.905 --> 00:27:39.045
Yep. Okay.

503

00:27:40.185 --> 00:27:44.125
Um, this appears to me to be offshore wind.

504

00:27:45.505 --> 00:27:47.845
Um, but does the same comment apply?

505

00:27:48.265 --> 00:27:50.245
Oh, it, when I use the term offshore

506

00:27:50.245 --> 00:27:53.005
and onshore, I'm referring relative to the ber.

507

00:27:53.665 --> 00:27:56.085
So the wind is blowing the vessel onto the BER

508

00:27:56.085 --> 00:27:57.245
that it's approaching,

509

00:27:57.665 --> 00:27:59.725
and that's the hazard, which is mitigated

510

00:28:00.275 --> 00:28:03.205
when you set a lower limit of the wind condition

511

00:28:03.745 --> 00:28:04.845
for the onshore wind.

512

00:28:05.375 --> 00:28:07.285

Thank you. That's you. Very useful clarification.

513

00:28:07.345 --> 00:28:11.125

So in, in a sense, that's the reverse for, uh, for, for, for

514

00:28:11.695 --> 00:28:14.445

birth number nine on the northern face of, uh,

515

00:28:14.505 --> 00:28:15.685

of, of the finger.

516

00:28:15.845 --> 00:28:16.845

P

517

00:28:17.155 --> 00:28:18.155

Yeah. So for, for

518

00:28:18.155 --> 00:28:19.365

a vessel to nine,

519

00:28:19.365 --> 00:28:20.405

it would be a, an offshore wind.

520

00:28:20.435 --> 00:28:21.435

Yeah.

521

00:28:21.745 --> 00:28:25.845

Um, I'm going to ask, uh, IO OT if they'd like to try

522

00:28:25.845 --> 00:28:27.645

to recall this particular

523

00:28:27.935 --> 00:28:29.765

simulation exercises over a year ago.

524

00:28:29.785 --> 00:28:30.785

But, uh,

525

00:28:32.625 --> 00:28:36.405

Yes, captain, yes, captain Vessel will deal with it.

526

00:28:38.425 --> 00:28:43.245

Uh, Nigel Bassett for IO ot, um, referring to my notes,

527

00:28:43.665 --> 00:28:48.655

um, I can't answer the

528

00:28:48.775 --> 00:28:53.695

question as to why there wasn't a vessel on iot one,

529

00:28:55.295 --> 00:28:56.935

I, I'm thinking back

530

00:28:56.955 --> 00:28:59.615

and I think we wanted the full wind exposure

531

00:28:59.875 --> 00:29:01.615

as the vessel was coming in Mm-Hmm.

532

00:29:01.835 --> 00:29:04.775

Rather than shielding, which would've been, um,

533

00:29:05.575 --> 00:29:08.935

a re a result if, if there'd been a vessel alongside Mm-Hmm.

534

00:29:09.355 --> 00:29:11.175

Um, but it was,

535

00:29:12.415 --> 00:29:15.575

I think I'm correct in saying the only run that was done,

536

00:29:16.835 --> 00:29:20.935

um, with a tug forward, a secured forward on the vessel,

537

00:29:21.715 --> 00:29:25.055

the reason being that the prior runs that were done in

538

00:29:25.055 --> 00:29:27.935

that kind of condition, the ship's bow thrust

539

00:29:28.835 --> 00:29:32.415

wasn't strong enough to stop the bow landing, um,

540

00:29:33.755 --> 00:29:35.935

at a rate which would be uncomfortable

541

00:29:35.955 --> 00:29:36.975

for a routine landing.

542

00:29:37.075 --> 00:29:41.565

Mm-Hmm. Um, The reason that one

543

00:29:41.565 --> 00:29:43.365

of the smaller, um,

544

00:29:43.505 --> 00:29:46.325

Briggs iot tugs wouldn't be used forward is

545

00:29:46.325 --> 00:29:49.125

that they're not enabled to secure

546

00:29:49.125 --> 00:29:51.125

with a line they can only push.

547

00:29:51.425 --> 00:29:53.325

Mm-Hmm. So the option

548

00:29:53.325 --> 00:29:56.885

to use the smaller work boat tug forward doesn't exist.

549

00:29:57.105 --> 00:30:00.965

Mm-Hmm. Um, all you could do is put it inside the bag

550

00:30:00.965 --> 00:30:03.525

to push it off, but then it's gotta escape, um,

551

00:30:03.625 --> 00:30:05.565

before any potential damage.

552

00:30:06.125 --> 00:30:07.805

'cause otherwise it will act as a fender.

553

00:30:08.665 --> 00:30:13.255

Um, so the forward tug was able to provide some lift

554

00:30:13.915 --> 00:30:15.775

and the small tug

555

00:30:15.775 --> 00:30:19.015

after, so you can see, is pushing up on the stern

556

00:30:19.275 --> 00:30:22.335

as the vessel, um, approaches the finger pier,

557

00:30:22.435 --> 00:30:26.055

but then has to vacate and move after all the time

558

00:30:26.055 --> 00:30:28.575

because it runs outta room as the ship, um,

559

00:30:29.605 --> 00:30:30.775

runs into the jetting.

560

00:30:34.795 --> 00:30:38.455

As a prompt, um, as to respond to Mr.

561

00:30:38.455 --> 00:30:41.655

PassPoint, is this, uh, the condition simulated

562

00:30:41.845 --> 00:30:46.535

outside operating range that, uh, uh, exists at the terminal

563

00:30:53.385 --> 00:30:55.375

Nigel Bassett, far IO ot?

564

00:31:07.525 --> 00:31:11.455

Yeah. Um, my colleague, um, has confirmed

565

00:31:11.455 --> 00:31:14.775

that this is on the cusp of, of, of, of the limit.

566

00:31:15.275 --> 00:31:18.175

Um, and of course, what wasn't simulated here

567

00:31:18.835 --> 00:31:20.335

was any element of gusting.

568

00:31:21.365 --> 00:31:24.215

Okay. Um, so if it was a mean of 30,

569

00:31:24.325 --> 00:31:27.055

then the gust would be significantly more, um,

570

00:31:28.685 --> 00:31:29.895

that wasn't simulated.

571

00:31:30.795 --> 00:31:34.455

So, um, I hope that answers the

572

00:31:34.575 --> 00:31:35.575

Question. Thank you.

573

00:31:35.575 --> 00:31:35.575

574

00:31:41.565 --> 00:31:42.215

Bear a moment.

575

00:31:47.115 --> 00:31:48.535

I'm gonna pass to Mr. Hannon.

576

00:31:48.635 --> 00:31:53.335

Um, I dunno if you have

577

00:31:53.615 --> 00:31:55.455

a recollection of conversations,

578

00:31:55.795 --> 00:31:59.895

and I might suggest you, you see whether, uh, uh,

579

00:32:00.525 --> 00:32:04.215

commander Bristow, uh, rec, uh, remembers the, uh, the,

580

00:32:04.275 --> 00:32:07.055

the occasion was the

581

00:32:09.845 --> 00:32:13.935

risk of adverse impact on IOT's operations of

582

00:32:15.315 --> 00:32:18.495

the presence of the, um, proposed iert

583

00:32:20.565 --> 00:32:22.415

discussed in detail at this time,

584

00:32:22.875 --> 00:32:24.495

or as a, as a, as a consequence

585

00:32:24.495 --> 00:32:25.735

of looking at this simulation.

586

00:32:39.865 --> 00:32:43.245

Uh, James Hannon, uh, ABP me, if I pass it over to,

587

00:32:43.345 --> 00:32:45.405

to Mike Powell says he was present.

588

00:32:45.675 --> 00:32:46.675

Okay.

589

00:32:47.345 --> 00:32:49.125

So could you just repeat your question? I, I,

590

00:32:49.245 --> 00:32:51.605

I, it's not so much a, a question about the simulation,

591

00:32:51.605 --> 00:32:54.645

but it's a question of the risk assessment that ensued from

592

00:32:55.265 --> 00:32:59.045

the information drawn from the simulation.

593

00:32:59.105 --> 00:33:01.085

And I dunno whether you were party to those discussions.

594

00:33:01.105 --> 00:33:04.045

If not, I think we can ask for it to be taken away.

595

00:33:04.385 --> 00:33:07.845

And the question is, um, what

596

00:33:08.425 --> 00:33:11.525

was considered in terms of risk of, of impact

597

00:33:11.585 --> 00:33:13.245

to IOT operations?

598

00:33:13.875 --> 00:33:17.125

This is as distinct from the risk of a, a lesion

599

00:33:17.235 --> 00:33:19.565

that has been clearly identified as a hazard.

600

00:33:30.745 --> 00:33:33.645

So we, sorry, James Strong for the applicant. Mr.

601

00:33:33.925 --> 00:33:37.285

Ridge is not here, obviously. Um, but we can find out, and

602

00:33:37.525 --> 00:33:38.685

I think that's the right way to take it.

603

00:33:38.895 --> 00:33:43.725

Thank you. Um, I, I'm going to just

604

00:33:44.745 --> 00:33:47.605

ask a further question though, which you can add in perhaps

605

00:33:47.625 --> 00:33:49.925

to the same takeaway, which is, um,

606

00:33:54.195 --> 00:33:58.525

what swept path analysis was ABPP ma, uh, commissioned

607

00:33:58.525 --> 00:34:00.805

to produce for the applicant at the time

608

00:34:00.905 --> 00:34:02.725

of doing the this risk assessment?

609

00:34:08.505 --> 00:34:12.645

Is there any recollection from those present today?

610

00:34:14.635 --> 00:34:19.565

Because I don't, apart from the AIS tracking in the, uh,

611

00:34:19.795 --> 00:34:21.045

applicant's NRA,

612

00:34:21.245 --> 00:34:23.765

I don't recall seeing any sweat path analysis.

613

00:34:24.865 --> 00:34:27.645

So we, we will, HR Wallingford would, uh, state that

614

00:34:27.645 --> 00:34:30.005

what you are seeing on the screen in front

615

00:34:30.085 --> 00:34:31.965

of you is a sweat path analysis.

616

00:34:32.745 --> 00:34:34.445

So the gray area

617

00:34:35.005 --> 00:34:38.805

surrounding the vessel shows the sweat path of the vessel.

618

00:34:41.395 --> 00:34:45.645

Okay. In that case, could we now have, um, on screen

619

00:34:46.865 --> 00:34:48.965

rep 2 0 6 4?

620

00:34:49.025 --> 00:34:52.365

So, so sorry to interpose, I think Captain Bassett wanted

621

00:34:52.365 --> 00:34:55.445

to raise a point about title flows that this, uh,

622

00:34:55.445 --> 00:34:58.165

when this was being modeled before you go on to a next.

623

00:34:58.715 --> 00:35:00.605

Okay. Thank you very much for interrupting. Okay.

624

00:35:00.605 --> 00:35:03.685

Um, what, what we're going to, in fact, let's, um, uh,

625

00:35:03.795 --> 00:35:06.445

perhaps allow the team to prepare

626

00:35:07.105 --> 00:35:08.805

and then we'll ask, uh, Mr.

627

00:35:08.875 --> 00:35:11.805

Bassett to intervene before putting it on screen.

628

00:35:11.805 --> 00:35:14.645

But if you could get ready, um, what we're looking for,

629

00:35:14.735 --> 00:35:17.845

which is on the list of, uh, of figures that we,

630

00:35:17.865 --> 00:35:20.525

we thought we might need, um, figures 28

631

00:35:20.525 --> 00:35:23.765

and 29 from rep 2 0 6 4,

632

00:35:24.055 --> 00:35:27.645

which is a sweat path analysis on birth eight, uh,

633

00:35:27.645 --> 00:35:31.405

carried out in the IOT navigation risk assessment.

634

00:35:32.305 --> 00:35:36.365

Uh, we may need to look at the, uh,

635

00:35:36.705 --> 00:35:39.885

figure 24 in that same, uh, submission,

636

00:35:39.885 --> 00:35:41.765

which is the tanker vessel tracks.

637

00:35:43.585 --> 00:35:48.245

So, to, before we, uh, we do that, um, I think we,

638

00:35:48.545 --> 00:35:50.845

are we going to need the, the, uh, figure back on screen,

639

00:35:51.145 --> 00:35:52.285

uh, Kevin Bassett,

640

00:35:53.025 --> 00:35:54.525

Uh, Nigel Bassett for iot?

641

00:35:54.625 --> 00:35:56.325

It, it would be useful, sir.

642

00:35:56.475 --> 00:35:59.285

Yeah. Would you mind putting that last one back on?

643

00:35:59.305 --> 00:36:01.565

Thanks. And you're going

644

00:36:01.705 --> 00:36:03.805

to just comment on the title stream,

645

00:36:06.115 --> 00:36:08.005

Captain Bassett for iot.

646

00:36:08.005 --> 00:36:09.245

Just a couple of points there.

647

00:36:09.385 --> 00:36:11.605

Um, you can see the forward tug is, is, um,

648

00:36:13.545 --> 00:36:16.605

not square, not perpendicular to, to the vessel.

649

00:36:17.345 --> 00:36:18.565

Um, and

650

00:36:18.565 --> 00:36:19.605

therefore wouldn't be able

651

00:36:19.605 --> 00:36:22.085

to provide a perpendicular lift immediately.

652

00:36:22.085 --> 00:36:25.085

The reason that he's in that position, um, is that he,

653

00:36:25.265 --> 00:36:27.805

he wouldn't have sufficient space between the vessel

654

00:36:27.905 --> 00:36:32.805

and the, um, I0 one pontoon to be square

655

00:36:32.845 --> 00:36:34.605

with the length of line that he required.

656

00:36:35.705 --> 00:36:39.245

Um, and secondly, as mentioned yesterday, the tidal flow

657

00:36:39.675 --> 00:36:41.285

with two pontoons

658

00:36:41.285 --> 00:36:43.565

of the same size rather than differing sizes

659

00:36:43.565 --> 00:36:47.125

with a larger gap as is shown in the graphic, um, would,

660

00:36:47.125 --> 00:36:50.285

in my opinion, result in the tidal flow on the flood tide

661

00:36:50.565 --> 00:36:53.605

being, uh, more of an onset onto birth eight

662

00:36:53.705 --> 00:36:54.805

and an increased rate.

663

00:36:54.865 --> 00:36:57.445

And, and to the best of my knowledge, that

664

00:36:57.465 --> 00:36:58.925

yet hasn't yet been modeled.

665

00:37:00.905 --> 00:37:04.565

Uh, thank you very much. Um, at the risk of laboring this

666

00:37:05.165 --> 00:37:09.565

a little, could you very kindly spell that the consequences

667

00:37:09.745 --> 00:37:13.525

of that out in greater detail for our benefit?

668

00:37:15.505 --> 00:37:19.565

So inshore of birth three is,

669

00:37:19.705 --> 00:37:22.645

is the drying line, so there'll be very little flow in,

670

00:37:22.645 --> 00:37:24.005

insert in inshore of birth three.

671

00:37:24.985 --> 00:37:27.645

So at iert three,

672

00:37:28.545 --> 00:37:33.125

the pontoon is shown is narrower than the pontoon,

673

00:37:33.185 --> 00:37:36.165

the combined width of the pontoon at one and two mm—Hmm.

674

00:37:36.705 --> 00:37:41.205

So the pontoon design currently run with is one roadway

675

00:37:41.625 --> 00:37:46.245

and two pontoons of equal width, that being the same width

676

00:37:46.305 --> 00:37:48.125

as the largest one currently shown.

677

00:37:48.185 --> 00:37:50.085

Mm-Hmm. Therefore, there'd be more,

678

00:37:50.155 --> 00:37:52.085

more blockage of tidal flow.

679

00:37:52.085 --> 00:37:55.125

Mm-Hmm. Because certainly near low water, um,

680

00:37:55.255 --> 00:37:58.045

there would be no way of the tide flowing in shore

681

00:37:58.045 --> 00:38:02.965

of berth three or less room between the two pontoons.

682

00:38:03.105 --> 00:38:05.725

And at low water, when the pontoons are at

683

00:38:05.725 --> 00:38:07.845

or near the seabed, no room

684

00:38:07.845 --> 00:38:09.125

for the water to flow underneath.

685

00:38:09.125 --> 00:38:10.645

Mm-Hmm. Therefore,

686

00:38:10.645 --> 00:38:12.725

that flood tide would have to go somewhere else.

687

00:38:12.935 --> 00:38:17.205

Uhhuh, um, in my opinion, um, that there would be a flow,

688

00:38:17.625 --> 00:38:21.525

um, around i at one pontoon between that

689

00:38:21.705 --> 00:38:24.765

and the birth eight knuckle, which would be

690

00:38:24.765 --> 00:38:27.165

therefore of increased rate, um,

691

00:38:27.345 --> 00:38:29.085

and would be of, uh, more

692

00:38:29.085 --> 00:38:30.925

of an acute angle onto birth eight.

693

00:38:31.945 --> 00:38:35.365

So the ideal scenario when birthing a ship would be

694

00:38:35.365 --> 00:38:38.525

to have the vessel head to the tidal flow, um,

695

00:38:38.665 --> 00:38:40.685

and not to have any change in direction

696

00:38:40.685 --> 00:38:43.485

of the tidal flow at the final stage of birthing.

697

00:38:43.625 --> 00:38:47.845

Mm-Hmm. And I think, um, with any, any blockage caused

698

00:38:47.865 --> 00:38:51.245

and the resultant deviation, it would be more

699

00:38:51.245 --> 00:38:54.125

of a technically challenging birthing operation.

700

00:38:54.545 --> 00:38:55.545

And currently,

701

00:38:58.945 --> 00:39:01.885

How frequently do you need a forward tug,

702

00:39:02.225 --> 00:39:03.325

uh, for that birthing?

703

00:39:08.965 --> 00:39:11.285

I think your colleague might perhaps be able to help. Well,

704

00:39:11.285 --> 00:39:12.525

I, I would, I would say rarely

705

00:39:12.585 --> 00:39:14.245

and only in, in extreme wind.

706

00:39:14.355 --> 00:39:17.605

Yeah. Unless there was a, a defect on the vessel,

707

00:39:17.665 --> 00:39:19.485

for example, the bags rust wasn't operational,

708

00:39:21.185 --> 00:39:24.605

The consequences of the, uh, let's call it the,

709

00:39:24.825 --> 00:39:27.925

the deviation of, of, of tidal flow, uh,

710

00:39:27.925 --> 00:39:29.845

around the proposed iert.

711

00:39:30.775 --> 00:39:34.525

Would that change the, uh, the towage requirement?

712

00:39:34.975 --> 00:39:36.165

Could possibly, so yes.

713

00:39:37.875 --> 00:39:42.565

Okay. Fine. Um, Mr. Par,

714

00:39:43.785 --> 00:39:48.045

Sir Mike par, HRW representing ABP, uh,

715

00:39:48.455 --> 00:39:50.805

while we're still looking at, at this slide, I,

716

00:39:50.925 --> 00:39:53.885

I think it's important to reiterate that the operating limit

717

00:39:53.905 --> 00:39:55.645

for this birth is 30 miles an hour.

718

00:39:56.105 --> 00:39:58.285

By my calculation, that's 26 knots.

719

00:39:58.305 --> 00:40:01.405

So this is a steady wind of four knots

720

00:40:01.415 --> 00:40:02.885

above the current operating limit.

721

00:40:03.345 --> 00:40:07.565

And my recollection of the discussions around this maneuver

722

00:40:08.115 --> 00:40:09.885

were to understand whether a

723

00:40:10.545 --> 00:40:14.525

larger tug than is normally used could be attached to try

724

00:40:14.525 --> 00:40:18.925

and assist the vessel, uh, slowing the vessel down exactly

725

00:40:19.065 --> 00:40:21.285

as, uh, captain Bessett was describing.

726

00:40:21.285 --> 00:40:22.685

Mm-hmm. Shortly

727

00:40:22.695 --> 00:40:26.645

after, under considering this maneuver, um,

728

00:40:28.245 --> 00:40:31.005

somebody looked at the actual operating manual and,

729

00:40:31.265 --> 00:40:32.885

and said that it was 30 miles an hour

730

00:40:32.945 --> 00:40:34.245

as opposed to 30 knots.

731

00:40:34.505 --> 00:40:37.765

And we, we reconsidered whether this maneuver was actually

732

00:40:37.975 --> 00:40:39.405

where we needed to focus our effort.

733

00:40:39.405 --> 00:40:43.245

Mm-Hmm. We did, uh, consider exactly the condition

734

00:40:43.245 --> 00:40:46.525

that Captain Bassett is describing, where at

735

00:40:46.865 --> 00:40:49.805

around the low water flood, there is a deviation

736

00:40:50.265 --> 00:40:51.405

around the pontoon.

737

00:40:51.985 --> 00:40:56.605

And in the modeling, which we used in July, 2022,

738

00:40:57.465 --> 00:41:01.405

in the current operating conditions that IOT worked to,

739

00:41:02.235 --> 00:41:05.165

that, uh, feature of the flow wasn't deemed

740

00:41:05.165 --> 00:41:07.725

to have a significant change, the ability

741

00:41:07.725 --> 00:41:09.005

of the vessel to operate to.

742

00:41:09.005 --> 00:41:12.885

And from that ber, Given our knowledge now of how the, um,

743

00:41:13.065 --> 00:41:14.165

the pontoons have changed,

744

00:41:14.585 --> 00:41:17.325

we are undertaking a reevaluation of that flow model.

745

00:41:17.665 --> 00:41:20.445

And the early indication is that the change

746

00:41:21.025 --> 00:41:22.885

around the northern end of the pontoon,

747

00:41:23.465 --> 00:41:25.925

on the peak flood flow is of the order

748

00:41:25.945 --> 00:41:27.605

of five degrees more variation

749

00:41:28.065 --> 00:41:30.765

and 0.2 degrees of a knot acceleration.

750

00:41:32.255 --> 00:41:35.285

We're still working the modeling to look at what

751

00:41:35.285 --> 00:41:36.925

that effect is at, at lower flows,

752

00:41:36.925 --> 00:41:40.005

because clearly the peak spring flood flow is a one

753

00:41:40.005 --> 00:41:41.045

in 28 day event.

754

00:41:41.905 --> 00:41:44.405

And we will, I'll be sharing those results

755

00:41:44.405 --> 00:41:46.205

with ABP in, in due course.

756

00:41:46.705 --> 00:41:47.965

And it, and it may be appropriate

757

00:41:47.965 --> 00:41:49.445

to look at it in more detail

758

00:41:49.505 --> 00:41:51.805

as Captain Bassett was suggesting.

759

00:41:53.135 --> 00:41:55.805

Thank you. In terms of timing of that workout, which,

760

00:41:55.805 --> 00:42:00.765

which is welcomed, um, do you see that there is,

761

00:42:01.105 --> 00:42:04.845

uh, every prospect of adding that into the deadline?

762

00:42:04.845 --> 00:42:07.845

Seven submissions, so 11th of December.

763

00:42:10.745 --> 00:42:14.045

So I'd hope to have the results of the flow modeling, uh,

764

00:42:14.545 --> 00:42:16.805

in a situation where I could write a short note

765

00:42:16.825 --> 00:42:20.645

or report for you by the 11th of of December. Yeah.

766

00:42:21.345 --> 00:42:23.565

Can I ask whether, whether any of the ips are going

767

00:42:23.565 --> 00:42:24.845

to be allowed as sight of this process?

768

00:42:26.165 --> 00:42:31.085

I, my next question was going to be that, that at

769

00:42:31.675 --> 00:42:36.205

firstly your report of the July, 2022 work

770

00:42:36.615 --> 00:42:39.245

where, uh, it was deemed to be not,

771

00:42:39.725 --> 00:42:41.565

I can't remember exactly the words you used,

772

00:42:41.625 --> 00:42:46.285

but you, you having assessed the potential, um,

773

00:42:46.475 --> 00:42:50.845

deviation of, of, of title flow at that time, you deemed it

774

00:42:50.845 --> 00:42:54.405

to be nons not significant, was that lack

775

00:42:54.405 --> 00:42:56.685

of significance agreed with the stakeholders.

776

00:43:00.065 --> 00:43:03.005

So I don't, I don't recall any significant, um,

777

00:43:06.145 --> 00:43:08.205

Uh, Other response apart from broad agreement

778

00:43:08.235 --> 00:43:10.245

that the maneuvers were successful.

779

00:43:13.225 --> 00:43:15.405

So, Mr. Elvin, back to your team,

780

00:43:16.815 --> 00:43:17.815

We'll have to check. I

781

00:43:17.815 --> 00:43:20.045

I, I'd be surprised, but, uh, will check

782

00:43:20.045 --> 00:43:21.045

and get back to you on that.

783

00:43:21.465 --> 00:43:24.645

And the, uh, the, the, the, the point that, uh,

784

00:43:24.825 --> 00:43:27.845

you make is in regard to the,

785

00:43:28.335 --> 00:43:31.165

let's call it the reevaluation with a slightly changed,

786

00:43:31.545 --> 00:43:32.845

um, pontoon design.

787

00:43:34.665 --> 00:43:35.805

Is there any prospect

788

00:43:36.025 --> 00:43:37.965

or, um, clearly a response

789

00:43:37.965 --> 00:43:40.685

to deadline seven submissions is open to you,

790

00:43:40.945 --> 00:43:44.525

but I suspect that your question is, are you going

791

00:43:44.525 --> 00:43:46.805

to be given advance site?

792

00:43:46.905 --> 00:43:49.045

Yes. And ability to comment beforehand?

793

00:43:49.405 --> 00:43:53.365

Deadline, the deadlines are tight for HRW to, to, uh, con,

794

00:43:53.425 --> 00:43:55.365

uh, carry out their, uh, revisions.

795

00:43:55.595 --> 00:43:57.045

They're even tighter for us

796

00:43:57.075 --> 00:43:59.725
because it, it, we will only see

797

00:43:59.755 --> 00:44:02.525
what we see when we're given access to it.

798

00:44:02.595 --> 00:44:03.595
Yeah.

799

00:44:04.545 --> 00:44:08.325
Is there any chance of, uh, the applicant's team

800

00:44:09.165 --> 00:44:12.605
collaborating with the IO OT team before deadline?

801

00:44:12.605 --> 00:44:13.605
Seven?

802

00:44:16.595 --> 00:44:19.765
Just, just while people thinking about the deadlines,

803

00:44:20.105 --> 00:44:22.605
of course, are absolutes for the submission of anything,

804

00:44:23.395 --> 00:44:26.845
that doesn't mean that if a piece of work is being worked on

805

00:44:26.845 --> 00:44:28.965
by any ip, that another IP

806

00:44:28.965 --> 00:44:32.565
or the applicant needs to see it, it can't be shared,

807

00:44:33.465 --> 00:44:34.805
um, with a party.

808

00:44:35.585 --> 00:44:38.965
And that then potentially does enable the, the other side

809

00:44:39.585 --> 00:44:42.085

to make response equally.

810

00:44:42.625 --> 00:44:46.045

It doesn't mean, um, in terms of those deadlines,

811

00:44:46.045 --> 00:44:49.405

and I think we did put it in the preliminary meeting note,

812

00:44:50.425 --> 00:44:53.405

um, those, those deadlines are absolute,

813

00:44:54.175 --> 00:44:57.325

there is no reason why anybody can't submit something

814

00:44:57.375 --> 00:44:58.925

early to the inspector.

815

00:44:59.035 --> 00:45:01.205

That doesn't mean to say that it's gonna be published

816

00:45:01.295 --> 00:45:03.405

until the deadline's been gone.

817

00:45:04.265 --> 00:45:07.085

Um, but it does also avoid the situation.

818

00:45:07.105 --> 00:45:10.085

We are seeing a lot of where everything seems

819

00:45:10.085 --> 00:45:12.285

to be done at the, the very last minute.

820

00:45:13.065 --> 00:45:17.765

Um, the only party that seems to have actually managed, um,

821

00:45:18.265 --> 00:45:21.725

not to, to keep to the deadlines I submit early,

822

00:45:21.785 --> 00:45:25.205

has been the environment agency they have, albeit

823

00:45:25.205 --> 00:45:27.005

that they're not doing quite as much work as many

824

00:45:27.005 --> 00:45:28.965

of the parties they have actually on a number

825

00:45:28.965 --> 00:45:30.685

of occasions submitted early.

826

00:45:31.625 --> 00:45:36.005

Um, as I say, those deadlines are absolute, I,

827

00:45:36.385 --> 00:45:40.125

if you don't get it in by the, the set time, it's then down

828

00:45:40.125 --> 00:45:41.165

to our discretion as to whether

829

00:45:41.165 --> 00:45:42.365

or not we accept the document.

830

00:45:42.705 --> 00:45:45.405

But if something arrives early, that is fine.

831

00:45:46.225 --> 00:45:50.085

Um, does that possibly help the flow of information

832

00:45:50.635 --> 00:45:54.525

that waiting for deadlines and publication isn't essential

833

00:45:59.985 --> 00:46:00.405

Before?

834

00:46:00.405 --> 00:46:02.165

Mr. Sean? I'll ask, as far

835

00:46:02.165 --> 00:46:05.085

as the examine authority is concerned, we don't mind

836

00:46:05.085 --> 00:46:06.685

what parties do behind the scenes.

837

00:46:07.705 --> 00:46:11.125

Um, but we, we would encourage, um,

838

00:46:12.385 --> 00:46:16.405

the facilitation of movement of information, uh, just

839

00:46:16.405 --> 00:46:18.125

to ease the process, particularly

840

00:46:18.125 --> 00:46:21.205

as we are getting towards the backend of this examination.

841

00:46:21.705 --> 00:46:22.705

Mr. Strong,

842

00:46:24.145 --> 00:46:27.245

Sir James Strong, the applicant, um, the answer

843

00:46:27.245 --> 00:46:28.565

to your question, absolutely.

844

00:46:28.785 --> 00:46:33.205

And indeed the point you've made, we well recognize,

845

00:46:34.145 --> 00:46:37.445

and I think you're going to be getting on to

846

00:46:38.755 --> 00:46:42.445

shortly discussions, which have indeed been taking place

847

00:46:42.955 --> 00:46:47.605

outside the examination to an attempt to progress matters

848

00:46:48.025 --> 00:46:49.405

and not, not, um,

849

00:46:49.625 --> 00:46:52.125

and indeed sharing attempts to share information.

850

00:46:52.265 --> 00:46:56.365

So yes, is your short answer to the question, which can,

851

00:46:56.585 --> 00:47:01.205

can we, um, liaise with APT and this respect?

852

00:47:01.305 --> 00:47:02.305

Yes, indeed we can.

853

00:47:03.565 --> 00:47:05.805

I, I'm grateful. I mean that Mr.

854

00:47:05.805 --> 00:47:08.165

Gold, what what you said was precisely why I raised the

855

00:47:08.165 --> 00:47:10.085

point, but I'm grateful to Mr. Strong.

856

00:47:10.085 --> 00:47:11.085

Thank you.

857

00:47:11.455 --> 00:47:14.085

Thank you both. Uh, let's move on, uh,

858

00:47:14.265 --> 00:47:17.365

unless let's anything further from Captain Am Bassett.

859

00:47:18.505 --> 00:47:21.605

No. Uh, what I would like to do though is

860

00:47:21.665 --> 00:47:25.045

to pursue this line of questioning about, uh, sweat path,

861

00:47:25.665 --> 00:47:29.725

and if we could see rep 2 64 0 6 4

862

00:47:30.555 --> 00:47:33.085

figures 28 and 29,

863

00:47:33.785 --> 00:47:38.405

and I think I'll just ask a commentary from I OT on these,

864

00:47:38.865 --> 00:47:43.525

uh, as to the frequency,

865

00:47:44.185 --> 00:47:46.125

uh, with which these conditions are,

866

00:47:47.265 --> 00:47:49.605

uh, uh, encountered.

867

00:47:50.065 --> 00:47:53.965

Now, what we saw in the previous, uh, simulation was a,

868

00:47:55.415 --> 00:47:57.605

let's put it an, an outta range

869

00:47:58.155 --> 00:48:00.885

wind strength blowing the vessel onto

870

00:48:02.025 --> 00:48:05.045

the finger p is that That's correct, yes.

871

00:48:05.535 --> 00:48:10.165

Thank you, Mr. Powell. And, uh, in these, um,

872

00:48:10.165 --> 00:48:13.045

perhaps you could just give us a commentary of what, uh,

873

00:48:13.755 --> 00:48:17.685

this models in terms of wind direction and strength,

874

00:48:18.065 --> 00:48:21.965

and I wanna assume still, uh, this is, uh, flood tide

875

00:48:27.385 --> 00:48:30.165

and the recent data is, I think you are restricted

876

00:48:30.185 --> 00:48:31.365

to flood tide birthing.

877

00:48:31.365 --> 00:48:32.365

Is that correct?

878

00:48:34.245 --> 00:48:37.445

Ed Rogers for iot? I believe that is correct, yes.

879

00:48:37.665 --> 00:48:40.365

Uh, flood tide, uh, only birthing for the, uh,

880

00:48:40.435 --> 00:48:42.845

coastal births, the barge births

881

00:48:43.025 --> 00:48:44.765

or not, don't have the same restriction.

882

00:48:45.625 --> 00:48:49.805

Um, so the analysis presented here is, uh, analysis of, uh,

883

00:48:49.805 --> 00:48:53.285

vessel track data and, uh, dimensions of the vessel, which,

884

00:48:53.425 --> 00:48:55.765

uh, along with heading give the ability

885

00:48:55.785 --> 00:48:59.325

to present a sweat path of a particular track of a vessel.

886

00:49:00.065 --> 00:49:03.725

Um, this track here is, um, for the, uh,

887

00:49:04.065 --> 00:49:06.685

sun Glide on the 31st of March, 2023.

888

00:49:07.385 --> 00:49:11.445

Um, AS data itself does not provide for, uh,

889

00:49:11.505 --> 00:49:13.605

the wind conditions at the point in time

890

00:49:13.605 --> 00:49:14.765

that the transmission is made.

891

00:49:15.065 --> 00:49:17.125

Uh, wind conditions, uh, associated

892

00:49:17.125 --> 00:49:19.565

with this track would have to be correlated to third party

893

00:49:20.125 --> 00:49:22.965

databases, uh, to allow us to look at the, uh,

894

00:49:22.985 --> 00:49:24.845

the conditions actually at the time of birthing.

895

00:49:25.345 --> 00:49:28.205

Um, so this is just a, uh, a single track of,

896

00:49:28.205 --> 00:49:29.725

of a single vessel on a single day.

897

00:49:30.745 --> 00:49:34.965

Should we perhaps move to, if we could, to rep 2 0 6 4,

898

00:49:35.105 --> 00:49:36.285

uh, figure 24

899

00:49:43.895 --> 00:49:46.355

Vessel, Um,

900

00:49:46.575 --> 00:49:50.675

and ask iot to give us a commentary on, uh, the period

901

00:49:51.135 --> 00:49:53.595

and the sort of range of conditions

902

00:49:53.595 --> 00:49:57.675

that we might have expected to see, uh, with these, uh,

903

00:49:57.845 --> 00:49:59.395

paths that are actually tracked.

904

00:50:02.095 --> 00:50:03.995

And the, the re the direction travel

905

00:50:03.995 --> 00:50:08.515

with this questioning is, is this relatively,

906

00:50:09.345 --> 00:50:13.475

this is this sweep onto birth eight, uh,

907

00:50:13.875 --> 00:50:15.915

entirely typical throughout the year.

908

00:50:15.915 --> 00:50:16.915

Uh,

909

00:50:18.555 --> 00:50:21.955

Ed Rogers for IOT, the analysis of data presented here is

910

00:50:21.955 --> 00:50:24.275

for a period of time, I believe during April

911

00:50:24.535 --> 00:50:29.125

and, uh, may of, uh, 20, uh,

912

00:50:29.735 --> 00:50:32.845

three, um, on March actually as well.

913

00:50:33.265 --> 00:50:37.925

Um, in order to provide, uh, sort of more detailed, uh,

914

00:50:38.355 --> 00:50:42.205

focused analysis of as web path data, it is necessary

915

00:50:42.205 --> 00:50:43.605

to collect data at source.

916

00:50:44.105 --> 00:50:45.325

The update refresh rate

917

00:50:45.405 --> 00:50:49.165

of ass data from third party providers typically may downs

918

00:50:49.165 --> 00:50:50.965

sample to every one to five minutes.

919

00:50:51.585 --> 00:50:53.645

And that means that any presentation

920

00:50:53.645 --> 00:50:55.445

of sweat path analysis is, is limited

921

00:50:55.665 --> 00:50:58.925

to transmissions every one to five minutes apart collection

922

00:50:58.925 --> 00:51:02.485

of data on site, uh, from an as installed at the, uh,

923

00:51:02.885 --> 00:51:06.365

IOT infrastructure enabled a collection of all as data,

924

00:51:06.365 --> 00:51:07.725

which meant we could, uh,

925

00:51:07.725 --> 00:51:10.845

present more detailed sweat path analysis with, uh, uh,

926

00:51:11.045 --> 00:51:13.485

intervals between where we see the vessels presented on the

927

00:51:13.485 --> 00:51:17.445

data on the tracks to be as, uh, close as, uh, three,

928

00:51:17.445 --> 00:51:18.965

three seconds between transmissions.

929

00:51:19.865 --> 00:51:23.125

Um, in terms of the weather conditions, uh,

930

00:51:23.305 --> 00:51:26.325

at the point in time of, uh, this particular analysis

931

00:51:26.595 --> 00:51:28.645

that it, it will be the conditions over the period

932

00:51:28.645 --> 00:51:33.605

of time which the analysis covers, um, IOT itself does not,

933

00:51:33.825 --> 00:51:38.245

uh, um, collect historical data on, on weather conditions.

934

00:51:38.755 --> 00:51:42.565

That information may be available from either atory service

935

00:51:42.785 --> 00:51:44.125

or, or Port of Ingham.

936

00:51:44.735 --> 00:51:47.565

Thank you. I mean, it, it, it, what I'm, I, I'm really

937

00:51:48.055 --> 00:51:53.045

after here is to have a discussion on how typical

938

00:51:54.075 --> 00:51:58.725

this, uh, pattern of a, uh, of, of birthing is.

939

00:51:59.865 --> 00:52:03.965

Um, and whether, whether for instance, uh, the, the, it's,

940

00:52:03.995 --> 00:52:08.765

it's open to a robust challenge that, um, that, uh,

941

00:52:09.795 --> 00:52:11.325

vessels actually do

942

00:52:11.345 --> 00:52:16.085

or don't, um, uh, take this type of sweep

943

00:52:17.625 --> 00:52:19.765

in current conditions.

944

00:52:20.565 --> 00:52:25.125

'cause, um, the inference to be drawn from, uh,

945

00:52:25.355 --> 00:52:29.045

this I would suggest is that the presence

946

00:52:29.045 --> 00:52:32.645

of a vessel on birth, one of the proposed iert

947

00:52:33.835 --> 00:52:37.005

does cause some constriction

948

00:52:38.065 --> 00:52:39.365

to the birthing maneuver,

949

00:52:42.445 --> 00:52:43.645

Ed Rogers for iot.

950

00:52:44.005 --> 00:52:45.525

I, I think to answer that question,

951

00:52:45.545 --> 00:52:48.085

we should really be looking at figure 30, which is a,

952

00:52:48.245 --> 00:52:50.645

a composite of all sweat paths collected over

953

00:52:50.645 --> 00:52:51.685

the duration of analysis.

954

00:52:51.685 --> 00:52:51.965

Mm-Hmm.

955

00:53:02.015 --> 00:53:03.915

So as we see here from this figure,

956

00:53:03.915 --> 00:53:07.915

this is a density analysis showing the, uh, swept path

957

00:53:07.915 --> 00:53:12.875

of each individual visual tanker movement to, um, the, uh,

958

00:53:12.875 --> 00:53:15.755

coastal berths over the course of the analysis period,

959

00:53:15.755 --> 00:53:17.435

which I think is round about 28 days.

960

00:53:18.065 --> 00:53:20.835

What we see here is that given, uh, that at

961

00:53:20.835 --> 00:53:23.235

that point in time the I infrastructure is not there,

962

00:53:23.505 --> 00:53:26.925

then water space is used by the vessels as they navigate on

963

00:53:26.925 --> 00:53:29.565

and off that berth, uh, on the south side of the finger.

964

00:53:29.765 --> 00:53:31.325

P not all times,

965

00:53:31.585 --> 00:53:34.605

and it all depends on the, uh, the wind direction, the size

966

00:53:34.605 --> 00:53:36.085

of vessel, where the tugs are used.

967

00:53:36.465 --> 00:53:39.445

Uh, but there is a period of water, there's an area

968

00:53:39.445 --> 00:53:40.805

of water space that is currently used

969

00:53:40.805 --> 00:53:42.165

that won't be available to them in the future.

970

00:53:42.545 --> 00:53:45.085

Mm-Hmm. I think the important point here is

971

00:53:45.085 --> 00:53:47.725

that it's not just about the space used for navigation,

972

00:53:47.745 --> 00:53:49.005

but also a buffer space.

973

00:53:49.275 --> 00:53:52.445

Masters are not keen to get close to other vessels,

974

00:53:52.445 --> 00:53:54.125

whether they're more depart other infrastructure.

975

00:53:54.545 --> 00:53:56.485

So we'll generally keep a certain distance

976

00:53:56.485 --> 00:53:57.645

away from fixed infrastructure.

977

00:53:58.265 --> 00:53:59.285

So typically,

978

00:53:59.305 --> 00:54:02.285

and I would defer to my colleague, uh, captain Bass on this,

979

00:54:02.475 --> 00:54:04.125

that may be up to a ship's beam width.

980

00:54:04.785 --> 00:54:07.445

So if we include up to a ship's beam width to the north

981

00:54:07.505 --> 00:54:10.605

of the, uh, birth number one IAT vessel, alongside

982

00:54:10.795 --> 00:54:13.525

that would be more representative of the area of water

983

00:54:13.745 --> 00:54:15.685

or the, the water space that's no longer available

984

00:54:15.685 --> 00:54:17.805

to navigate onto the iot finger pair.

985

00:54:21.985 --> 00:54:25.045

I'm going to pass to H Master on that, uh, that

986

00:54:25.075 --> 00:54:29.045

that particular piece of evidence about, um, the, uh,

987

00:54:29.375 --> 00:54:32.325

preference of a mariner to keep a

988

00:54:32.885 --> 00:54:34.445

ships beam width distance.

989

00:54:34.715 --> 00:54:39.005

Does, is that, does that con uh, fit with, with, um,

990

00:54:39.275 --> 00:54:41.085

your experience and observations,

991

00:54:42.785 --> 00:54:45.525

Andrew Furman Harbormaster, uh, that that would seem a,

992

00:54:45.645 --> 00:54:47.405

a reasonable, um, assumption?

993

00:54:47.625 --> 00:54:51.205

Yes. The, uh, visually you can see your own ship,

994

00:54:51.205 --> 00:54:53.085

you can see the other ship actually helps you almost monitor

995

00:54:53.085 --> 00:54:54.205

whether you closing or,

996

00:54:54.205 --> 00:54:57.405

or opening the beam of the ship would, would be reasonable.

997

00:54:57.425 --> 00:54:58.425

Yes.

998

00:54:59.225 --> 00:55:02.845

And I'm now going to ask you for your opinion on, um,

999

00:55:03.985 --> 00:55:08.805

how much of a constraint on birthing, um, the presence of,

1000

00:55:09.105 --> 00:55:12.405

of, uh, of eon iott birth?

1001

00:55:12.585 --> 00:55:17.125

One would be to, to, um, IOT's operations.

1002

00:55:18.355 --> 00:55:19.925

Yeah. Andrew Furman Harbormaster.

1003

00:55:20.225 --> 00:55:21.285

Uh, it would, it,

1004

00:55:21.665 --> 00:55:24.045

it would certainly have an effect on, on the strategy.

1005

00:55:24.345 --> 00:55:25.565

So, um,

1006

00:55:25.565 --> 00:55:28.125

obviously these have been done without, I heard one there.

1007

00:55:28.345 --> 00:55:30.805

Uh, we think there is a, a maneuvering strategy

1008

00:55:30.805 --> 00:55:32.805

for IOT eight that would be different to today.

1009

00:55:33.315 --> 00:55:35.405

Looking at where the dentist tracks are.

1010

00:55:35.925 --> 00:55:38.645

I think that is probably backed up slightly by this data

1011

00:55:38.715 --> 00:55:40.165

that with some care

1012

00:55:40.165 --> 00:55:43.165

and attention, um, that a different approach

1013

00:55:43.185 --> 00:55:47.245

or a different departure with, I, I heard one in mind is,

1014

00:55:47.305 --> 00:55:49.085

is still possible and safe.

1015

00:55:52.265 --> 00:55:54.365

So I think that takes us, uh, uh, Mr.

1016

00:55:54.645 --> 00:55:58.405

Vin, I, I, I think this takes us to the fact that it appears

1017

00:55:58.405 --> 00:56:03.245

that it is still f feasible for, uh,

1018

00:56:03.245 --> 00:56:05.565

birthing to continue, uh, at birth eight.

1019

00:56:06.465 --> 00:56:10.645

Um, but from what we just heard, it's condition specific.

1020

00:56:11.945 --> 00:56:14.445

Is there anything further that iot wish to say on this?

1021

00:56:16.545 --> 00:56:18.645

And then we'll ask applicant to, to respond,

1022

00:56:21.865 --> 00:56:24.125

Uh, Nigel Bassett for, for IOT?

1023

00:56:25.145 --> 00:56:29.245

Um, purely that the, the approach line would depend on,

1024

00:56:29.245 --> 00:56:30.885

on the wind direction primarily.

1025

00:56:31.425 --> 00:56:34.805

Um, vessels will not be comfortable going

1026

00:56:34.805 --> 00:56:35.885

close to a ma vessel.

1027

00:56:36.185 --> 00:56:41.045

And, and in terms of ship beam, I would say ship's beam

1028

00:56:41.045 --> 00:56:44.685

of a 16 meter wide tanker would seem too tight with a ferry

1029

00:56:44.685 --> 00:56:49.245

of that size alongside, um, ships are, are not driving

1030

00:56:49.855 --> 00:56:52.445

along a road with, with wheels, they're not stuck to it.

1031

00:56:52.445 --> 00:56:54.725

They tend to drift left and right, they can shear.

1032

00:56:55.345 --> 00:56:57.005

Um, and, and it certainly,

1033

00:56:57.005 --> 00:56:59.205

it certainly would look good from, from the row row either.

1034

00:57:00.065 --> 00:57:03.325

Um, I think it's also worth mentioning that there is, um,

1035

00:57:03.325 --> 00:57:06.085

currently a mooring boy in the position,

1036

00:57:06.095 --> 00:57:10.285

which would be occupied by Iott, um, which is used for

1037

00:57:11.855 --> 00:57:13.205

small tugs when they're not working.

1038

00:57:13.905 --> 00:57:17.205

And there have been some, some close quarters situations,

1039

00:57:17.505 --> 00:57:21.365

um, with that, um, recently,

1040

00:57:21.785 --> 00:57:24.485

and that's primarily during departure.

1041

00:57:24.625 --> 00:57:26.325

So we're not only looking at arrivals,

1042

00:57:26.345 --> 00:57:28.085

but departures would need to be,

1043

00:57:28.455 --> 00:57:29.965

would need to be done in a different way.

1044

00:57:32.185 --> 00:57:35.365

Has the io OT team, uh, assessed

1045

00:57:38.145 --> 00:57:42.765

the, the degree of impedance, if you like, uh,

1046

00:57:42.765 --> 00:57:45.725

looking at a range of conditions throughout the,

1047

00:57:45.895 --> 00:57:48.045

let's say throughout an annual period?

1048

00:57:49.145 --> 00:57:51.725

And I'm trying to get a sense of how much

1049

00:57:51.725 --> 00:57:54.885

of a problem this is, or if, if at all.

1050

00:57:55.725 --> 00:57:58.565

I don't want to pre-judge whether it's a,

1051

00:57:58.705 --> 00:57:59.725

it is a problem or not.

1052

00:58:07.285 --> 00:58:11.925

Ed, ed Rogers for iot, uh, we, we haven't, uh, provided

1053

00:58:12.145 --> 00:58:15.405

or undertaken any more analysis than as presented in the,

1054

00:58:15.425 --> 00:58:17.085

uh, shadow navigation risk assessment.

1055

00:58:17.265 --> 00:58:19.645

Uh, primarily due to time and mm-Hmm.

1056

00:58:19.825 --> 00:58:22.725

And in order for us to present this analysis, we had to go

1057

00:58:22.725 --> 00:58:23.765

and collect the information.

1058

00:58:23.785 --> 00:58:26.685

So we'd have to collect longer information over a longer

1059

00:58:26.685 --> 00:58:29.165

period of time to, to enable us to, to do that definitively.

1060

00:58:29.165 --> 00:58:33.405

Mm-Hmm. Um, in terms of, um, the degree

1061

00:58:33.405 --> 00:58:36.045

to which the navigating to the south side

1062

00:58:36.045 --> 00:58:40.085

of the finger pier is more challenging, uh, I, I defer

1063

00:58:40.085 --> 00:58:43.965

to my colleague, um, captain Bassett on that, that point.

1064

00:58:56.065 --> 00:59:00.645

Uh, Nigel Bassett iot, again, sir, depends on the wind,

1065

00:59:00.645 --> 00:59:02.085

depends on the freeboard of the vessel.

1066

00:59:02.195 --> 00:59:04.925

Most that arrive are actually Im ballast not loaded.

1067

00:59:05.265 --> 00:59:07.685

So they, they are affected by the wind significantly more,

1068

00:59:07.695 --> 00:59:10.605

which is why they generally want to keep up upwind more

1069

00:59:10.625 --> 00:59:11.685

and further to the south.

1070

00:59:13.455 --> 00:59:16.805

Thank you. Uh, let me pass now to the applicant's team.

1071

00:59:16.945 --> 00:59:19.325

Uh, give you an opportunity to respond to what you've heard.

1072

00:59:22.525 --> 00:59:25.565

I am going to ask James, the applicant, ask Mr.

1073

00:59:25.705 --> 00:59:29.045

Par to comment. First of all on the question you're asking

1074

00:59:29.095 --> 00:59:33.445

about interference with current operations, whether

1075

00:59:33.505 --> 00:59:34.565

that's been assessed

1076

00:59:34.985 --> 00:59:37.605

and if so, what, what the conclusions were,

1077

00:59:40.905 --> 00:59:41.905

Sir? My par

1078

00:59:41.905 --> 00:59:44.485

RW representing ABP,

1079

00:59:46.705 --> 00:59:50.765

the main thrust of the simulation investigations undertaken

1080

00:59:50.765 --> 00:59:52.005

for vessels going to

1081

00:59:52.425 --> 00:59:56.165

and from IOT eight, the southern BER on a finger pair, was

1082

00:59:56.165 --> 00:59:59.325

to establish whether there was a navigation strategy

1083

00:59:59.895 --> 01:00:02.245

which would allow those vessels to arrive

1084

01:00:02.245 --> 01:00:05.205

and depart in the current operational limits

1085

01:00:05.435 --> 01:00:06.565

that they operate with.

1086

01:00:07.385 --> 01:00:10.965

And clearly there's less space for them to operate in,

1087

01:00:11.625 --> 01:00:15.125

and a new strategy for some of those departures needs

1088

01:00:15.125 --> 01:00:16.325

to be developed.

1089

01:00:17.175 --> 01:00:20.245

We've shown in the simulator that that is feasible

1090

01:00:21.665 --> 01:00:26.525

and clearly there is a, a change in the how

1091

01:00:26.525 --> 01:00:28.765

that is perceived in the simulator.

1092

01:00:29.025 --> 01:00:30.325

And I think the pilots

1093
01:00:30.325 --> 01:00:33.925
and pecc who, uh, participated would agree

1094
01:00:33.925 --> 01:00:36.605
with captain comments on, on that.

1095
01:00:36.705 --> 01:00:40.805
It looks, um, close

1096
01:00:40.825 --> 01:00:43.285
and intimidating, certainly the first time you do it.

1097
01:00:43.745 --> 01:00:47.445
But there was also comment that that isn't dissimilar to

1098
01:00:47.975 --> 01:00:49.725
other arrivals and departures

1099
01:00:49.725 --> 01:00:54.245
where you operate in close proximity to other Maude vessels.

1100
01:00:55.025 --> 01:00:57.005
Indeed, it's quite common arriving

1101
01:00:57.025 --> 01:00:58.805
or departing at a birth to be

1102
01:00:59.675 --> 01:01:02.045
operating in close proximity to another vessel.

1103
01:01:03.185 --> 01:01:07.765
As so the conclusion of the simulation

1104
01:01:10.005 --> 01:01:14.325
maneuvers to and from IOT eight with I infrastructure

1105
01:01:14.385 --> 01:01:16.925
and a vessel on IO one is

1106
01:01:17.675 --> 01:01:20.445

that notwithstanding the changes to the flows,

1107

01:01:20.445 --> 01:01:24.605

which were still being investigated, That the sorts

1108

01:01:24.605 --> 01:01:26.885

of vessels which operate at IOT eight will still be able

1109

01:01:26.885 --> 01:01:31.125

to operate in the same conditions as they were able to prior

1110

01:01:31.145 --> 01:01:32.765

to I infrastructure

1111

01:01:33.585 --> 01:01:36.445

and with a vessel on iert one.

1112

01:01:53.945 --> 01:01:57.925

So I think what we do is we, um, await equally the

1113

01:01:58.715 --> 01:02:00.565

flow modeling that you've just referred to,

1114

01:02:00.865 --> 01:02:05.645

and, uh, any observations that you, that, uh, are presented

1115

01:02:05.665 --> 01:02:08.085

by IOT to that flow modeling

1116

01:02:09.155 --> 01:02:11.885

ideally all concluded in a, uh,

1117

01:02:12.555 --> 01:02:15.725

ideally in a joint report at, uh, deadline seven,

1118

01:02:15.745 --> 01:02:17.765

but if it's two separate reports, so be it.

1119

01:02:18.625 --> 01:02:22.485

Um, let's pass on from that, um, particular point.

1120
01:02:22.585 --> 01:02:26.885
Unless at this moment we should just allow DFDS

1121
01:02:26.885 --> 01:02:28.485
or CLDN to have a comment,

1122
01:02:29.845 --> 01:02:32.205
Isabella, at for DFDS, we're happy to defer

1123
01:02:32.205 --> 01:02:33.925
to IOT in their comments on this. Thank you. Okay.

1124
01:02:34.485 --> 01:02:37.245
CLN Robbie, 0

1125
01:02:37.245 --> 01:02:39.125
and CLDM with the same view. Thank you. Thank you.

1126
01:02:39.995 --> 01:02:41.365
Fine. Um, now

1127
01:03:20.915 --> 01:03:23.855
moving on from, uh, this to the real

1128
01:03:27.535 --> 01:03:29.095
nu nucleus of what we want

1129
01:03:29.095 --> 01:03:31.815
to examine this morning is the proposed changes.

1130
01:03:32.635 --> 01:03:35.975
And, uh, the first question, and Mr.

1131
01:03:36.035 --> 01:03:39.815
Go may well want to, uh, uh, ask his own questions on this.

1132
01:03:40.275 --> 01:03:42.295
Um, have we established

1133
01:03:42.295 --> 01:03:44.855

who was involved from the applicant's team in the

1134

01:03:45.165 --> 01:03:49.375

discussions which resulted in the, uh, letter

1135

01:03:49.435 --> 01:03:50.855

of 28th of September?

1136

01:03:53.665 --> 01:03:55.535

James drawn the applicant? Yes, sir.

1137

01:03:56.115 --> 01:04:00.895

Uh, and just to be clear,

1138

01:04:01.195 --> 01:04:05.175

in the question you've asked, there are meetings

1139

01:04:05.565 --> 01:04:07.015

that lead up to the 20th,

1140

01:04:07.115 --> 01:04:10.015

8th of September are meetings afterwards

1141

01:04:10.675 --> 01:04:14.135

and Commander, perhaps we can prove

1142

01:04:14.395 --> 01:04:15.395

We do first we precise. I mean,

1143

01:04:15.395 --> 01:04:18.615

so something, uh, really, uh, allowed a

1144

01:04:18.965 --> 01:04:20.535

what appeared to be a breakthrough,

1145

01:04:20.745 --> 01:04:23.695

which resulted in the letter that was presented on 28th.

1146

01:04:24.215 --> 01:04:26.335

Absolutely. So, and so all I was just flag up Commander

1147

01:04:26.355 --> 01:04:29.895

Britte was present at the meetings that led to the letter

1148

01:04:29.895 --> 01:04:34.015

of the 28th of September, and then Mr.

1149

01:04:34.125 --> 01:04:38.655

Hodgkin was the, uh, present for the, uh,

1150

01:04:39.105 --> 01:04:42.815

subsequent meetings that occurred afterwards.

1151

01:04:42.815 --> 01:04:46.615

Mm-Hmm. And I'm going to let them tell you exactly their,

1152

01:04:47.105 --> 01:04:49.615

their, um, recollection

1153

01:04:49.615 --> 01:04:52.055

and understanding having reviewed the documents. Thank

1154

01:04:52.055 --> 01:04:52.735

You. That will be welcome.

1155

01:04:52.755 --> 01:04:54.495

Can I just before we do that though, sir, can I,

1156

01:04:54.635 --> 01:04:58.215

can I just, I I'm sorry that I have to make this clear,

1157

01:04:58.955 --> 01:05:02.695

but when, when I read the correspondence that's come back,

1158

01:05:03.935 --> 01:05:08.495

I just have to just say it for the record, these discussions

1159

01:05:09.045 --> 01:05:10.375

were without prejudice.

1160

01:05:10.555 --> 01:05:14.735

Indeed. And that meant that the applicant's position,

1161

01:05:15.755 --> 01:05:20.285

and it remains the, the case is that further enhancements

1162

01:05:20.505 --> 01:05:24.725

or changes to address the concerns weren't required

1163

01:05:25.345 --> 01:05:27.685

in light of the conclusions that have been reached

1164

01:05:27.985 --> 01:05:30.525

and which we've trolled over in other respects.

1165

01:05:30.525 --> 01:05:33.125

Mm-Hmm. That position has not changed.

1166

01:05:34.465 --> 01:05:38.365

And by of course, we're entirely clear

1167

01:05:38.385 --> 01:05:43.325

and happy to, to go behind the without prejudice points,

1168

01:05:43.745 --> 01:05:45.205

but I don't want it to be said

1169

01:05:45.305 --> 01:05:47.005

as appears in the latest letter

1170

01:05:47.715 --> 01:05:49.645

that the applicant must have accepted

1171

01:05:49.675 --> 01:05:51.325

that changes were necessary

1172

01:05:51.755 --> 01:05:54.685

because that wasn't the spirit of the conversations

1173

01:05:55.435 --> 01:05:58.045

that were precisely the opposite was the case.

1174

01:05:58.185 --> 01:06:00.925

We didn't, but we were seeking, as the letter explained,

1175

01:06:01.545 --> 01:06:04.205

to address a concern that had been articulated,

1176

01:06:04.315 --> 01:06:06.645

even though we didn't think it was necessary to do so.

1177

01:06:07.225 --> 01:06:09.005

And I, I'm sorry to labor that point,

1178

01:06:09.465 --> 01:06:11.085

but I'm disappointed to see

1179

01:06:12.185 --> 01:06:15.965

in the commentary on the changes, a suggestion

1180

01:06:16.515 --> 01:06:18.765

that we must accept a change is necessary

1181

01:06:18.765 --> 01:06:20.685

because that's never been the case.

1182

01:06:21.625 --> 01:06:24.565

And the whole point of saying something is without prejudice

1183

01:06:24.705 --> 01:06:27.685

and trying to have constructive dialogue is

1184

01:06:27.685 --> 01:06:30.045

to see if you can reach a common position

1185

01:06:30.135 --> 01:06:32.485

where even though you don't think something's necessary,

1186

01:06:32.485 --> 01:06:35.205

someone else does, you can both do something

1187

01:06:35.205 --> 01:06:37.485

that satisfies both parties.

1188

01:06:37.685 --> 01:06:39.845

I mean, I, I'm obviously teach saying something

1189

01:06:39.845 --> 01:06:42.405

that's obvious, but I hate you appreciate why,

1190

01:06:42.625 --> 01:06:44.205

why I'm saying that because it

1191

01:06:44.205 --> 01:06:45.445

shouldn't have been necessary in my view.

1192

01:06:45.445 --> 01:06:47.045

But I do, I do need to reiterate it.

1193

01:06:47.825 --> 01:06:48.965

We do appreciate that.

1194

01:06:49.385 --> 01:06:52.965

And, uh, we've had that conversation amongst ourselves, uh,

1195

01:06:53.025 --> 01:06:54.045

within the xa.

1196

01:06:54.625 --> 01:06:58.845

Um, however, the spirit of this morning is to try

1197

01:06:58.845 --> 01:07:02.885

to understand why, uh, as you just referred,

1198

01:07:03.155 --> 01:07:05.165

that you were trying to see whether there was a common

1199

01:07:05.165 --> 01:07:06.525

ground, it could be established.

1200

01:07:06.825 --> 01:07:11.725

And, uh, it just appears from the submission since the

1201

01:07:11.725 --> 01:07:13.085

28th of September that

1202

01:07:14.025 --> 01:07:16.005

we are not getting closer to common ground.

1203

01:07:16.785 --> 01:07:18.565

We thought we were and we aren't.

1204

01:07:18.565 --> 01:07:19.565

And that's what we want to explore.

1205

01:07:19.785 --> 01:07:22.285

No, I, I, so, so I totally understand

1206

01:07:22.285 --> 01:07:23.605

that very James from for the applicant.

1207

01:07:23.645 --> 01:07:26.125

I totally understand that. And we are very happy

1208

01:07:26.465 --> 01:07:29.085

to assist you in on our understanding.

1209

01:07:29.385 --> 01:07:33.205

Indeed. Clearly it was our impression we were getting

1210

01:07:33.305 --> 01:07:35.365

to a stage of common ground, hence the letter

1211

01:07:35.365 --> 01:07:36.645

of the 28th of September.

1212

01:07:37.435 --> 01:07:41.045

Unfortunately, that's not the case and our understanding,

1213

01:07:41.225 --> 01:07:43.205

and I'm gonna let others speak directly to it

1214

01:07:43.205 --> 01:07:46.685

because it's much more, uh, you get the evidence directly,

1215

01:07:46.785 --> 01:07:49.605

but, um, that's unfortunately not the case.

1216

01:07:49.665 --> 01:07:52.205

Mm-Hmm. And there appears to have been differences

1217

01:07:52.945 --> 01:07:55.525

and evolutions, I can put it that way.

1218

01:07:55.525 --> 01:07:57.125

It should, you'll hear about now, so I'll,

1219

01:07:57.145 --> 01:08:00.245

rather than me say anymore, I just wanted to put that may

1220

01:08:00.245 --> 01:08:01.845

that absolutely clear as to where,

1221

01:08:01.935 --> 01:08:03.805

where we're at and where we remain.

1222

01:08:04.105 --> 01:08:06.205

But I'm gonna hand over to Commander Bristow to deal

1223

01:08:06.205 --> 01:08:08.205

with the first part and then Mr.

1224

01:08:08.275 --> 01:08:10.365

Hodgkin to deal with what happened thereafter.

1225

01:08:14.985 --> 01:08:19.045

Sir Paul Bristow for, uh, ABP, uh, I was going to, uh,

1226

01:08:19.105 --> 01:08:20.925

lay out the without prejudice position,

1227

01:08:20.925 --> 01:08:23.045

but that's just been done far more, uh,

1228

01:08:23.045 --> 01:08:25.725

articulately than I would've been able to by, um, Mr.

1229

01:08:26.025 --> 01:08:28.685

str. Um, thank you, sir for the opportunity

1230

01:08:28.785 --> 01:08:31.805

to check my correspondence, my notes overnight.

1231

01:08:32.345 --> 01:08:34.925

Uh, as I said yesterday, I wanted to be very clear

1232

01:08:34.925 --> 01:08:37.765

that I was not in any way, um, misleading you

1233

01:08:37.765 --> 01:08:39.285

with regards to dates and so on.

1234

01:08:39.285 --> 01:08:42.725

And there there is a, a lot of notes to, um, to review.

1235

01:08:43.265 --> 01:08:45.085

And indeed it was done on the basis,

1236

01:08:45.265 --> 01:08:48.685

as you've just suggested, to explore that common ground, uh,

1237

01:08:48.685 --> 01:08:50.325

with, uh, APT.

1238

01:08:51.745 --> 01:08:54.005

Um, I have reviewed my notes

1239

01:08:54.225 --> 01:08:58.245

and prior to the 27th, 28th, uh, 28th letter

1240

01:08:59.365 --> 01:09:00.685

hearings on the 27th

1241

01:09:00.785 --> 01:09:05.605

and 28th, uh, I had no basis to, uh,

1242

01:09:05.665 --> 01:09:08.245

to, to, to believe or to understand that we were working

1243

01:09:08.305 --> 01:09:12.965

to towards a circa 100 meter extension of the jetty.

1244

01:09:12.965 --> 01:09:17.085

Mm-Hmm. Um, we were looking

1245

01:09:17.665 --> 01:09:21.725

at the placement of detached impact protection,

1246

01:09:23.015 --> 01:09:26.565

which was dual purpose to act as a birthing face

1247

01:09:27.275 --> 01:09:29.005

with a walkway in between.

1248

01:09:29.005 --> 01:09:32.525

And that is very different to a straight through, uh,

1249

01:09:32.695 --> 01:09:36.045

jetty extension, incorporating impact protection

1250

01:09:36.185 --> 01:09:37.845

of circa 100 meters.

1251

01:09:39.785 --> 01:09:43.845

In some very preliminary discussions, we did briefly, um,

1252

01:09:44.025 --> 01:09:48.805

review two solutions, one, which has become known

1253

01:09:48.805 --> 01:09:51.805

as the Beckett Rankin proposal, which was of course,

1254

01:09:52.025 --> 01:09:53.325

the one that was taken forward.

1255

01:09:53.985 --> 01:09:57.245

And we did look at another, another scheme, uh, a much more,

1256

01:09:57.245 --> 01:10:01.925

um, basic schematic, which did show a jetty extension, uh,

1257

01:10:01.925 --> 01:10:04.605

and a different kind of impact protection, sort

1258

01:10:04.605 --> 01:10:06.365

of a piles based interpretation.

1259

01:10:06.665 --> 01:10:07.965

But that was not taken forward.

1260

01:10:08.025 --> 01:10:11.085

So it was, it was briefly looked at, not taken forward.

1261

01:10:11.475 --> 01:10:16.405

We'd very much honed in on the back Beckett ranking design,

1262

01:10:17.345 --> 01:10:19.165

uh, and the principles of that.

1263

01:10:19.715 --> 01:10:22.685

Just to, just to, to, to lay out, my understanding is

1264

01:10:22.685 --> 01:10:25.045

that the jetty remains as is.

1265

01:10:26.955 --> 01:10:29.165

This is the, the Beckett ranking proposal, if you like,

1266

01:10:29.165 --> 01:10:30.805

or the, or the design, uh,

1267

01:10:30.955 --> 01:10:34.525

that there would be a combined birthing face and a dolphin

1268

01:10:34.705 --> 01:10:36.885

and a walkway connecting.

1269

01:10:38.265 --> 01:10:41.205

Um, we also, as part of the, of our conversations,

1270

01:10:41.225 --> 01:10:44.525

had a requirement to demonstrate that the I at births two

1271

01:10:44.525 --> 01:10:47.565

and three would, uh, withstand a vessel, uh, impact.

1272

01:10:47.825 --> 01:10:50.525

And that's been covered, um, as well.

1273

01:10:52.545 --> 01:10:55.885

You might recall, sir, during that, um, as we were getting

1274

01:10:55.905 --> 01:10:58.245

to the point of discussing the, the, the, the letter,

1275

01:10:58.545 --> 01:11:01.565

we actually put up two schematics,

1276

01:11:02.185 --> 01:11:04.005

and quite rightly we were corrected

1277

01:11:04.005 --> 01:11:07.805

that inadvertently the wrong schematic had gone up onto the,

1278

01:11:08.145 --> 01:11:09.285

um, onto the screen.

1279

01:11:09.305 --> 01:11:11.805

Mm-Hmm. And we corrected ourselves back

1280

01:11:12.385 --> 01:11:14.525

to the Beckett Rankins, uh, scheme,

1281

01:11:14.525 --> 01:11:15.805

which is the one that's there now.

1282

01:11:15.865 --> 01:11:19.765

So again, it was very clear to me, it was very clear

1283

01:11:19.785 --> 01:11:23.205

to my ABP colleagues, uh, that prior

1284

01:11:23.205 --> 01:11:26.485

to the 28th of September, we were looking at something akin

1285

01:11:26.665 --> 01:11:29.005

to what you see in front of yourself.

1286

01:11:29.185 --> 01:11:34.005

Now, um, checking my notes, we, subsequent

1287

01:11:34.005 --> 01:11:37.765

to the 28th of September, we started, uh, a series of more

1288

01:11:38.285 --> 01:11:42.325

detailed design meetings, which is where, um, I defer

1289

01:11:42.325 --> 01:11:44.685

to my engineering colleagues here, which is where Mr.

1290

01:11:44.795 --> 01:11:46.005

Hodgkin stepped in

1291

01:11:46.265 --> 01:11:49.685

and looking through my notes, I see that on the, the,

1292

01:11:49.705 --> 01:11:52.085

the 5th of October, which clearly

1293

01:11:52.135 --> 01:11:55.565

after more details emerged, um,

1294

01:11:56.875 --> 01:11:58.285

that there was a requirement

1295

01:11:58.285 --> 01:12:01.605

for perhaps two potentially longer tankers than the ones

1296

01:12:01.605 --> 01:12:05.205

that we currently see on the, um, on the finger pier,

1297

01:12:05.375 --> 01:12:08.125

which would add length to the, uh, to any requirements

1298

01:12:08.715 --> 01:12:11.805

that there would be additional mooring requirements above

1299

01:12:11.805 --> 01:12:13.605

and beyond what we see today,

1300

01:12:13.605 --> 01:12:15.365

which would require additional spacing.

1301

01:12:15.825 --> 01:12:17.805

It became clear that it wasn't a walkway,

1302

01:12:17.825 --> 01:12:18.965

it was an extension.

1303

01:12:18.965 --> 01:12:20.285

That was the expectation.

1304

01:12:21.185 --> 01:12:23.045

And finally, that there was a requirement

1305

01:12:23.045 --> 01:12:25.885

to detach the impact protection from the finger pit,

1306

01:12:25.975 --> 01:12:28.645

which adds further to the entire scheme.

1307

01:12:29.225 --> 01:12:33.405

So I'm very clear, sir, up to the 28th of September,

1308

01:12:33.705 --> 01:12:36.165

we were looking at a Beckett Rankin design

1309

01:12:37.135 --> 01:12:41.045

after we got into more detail following the, uh, that, that,

1310

01:12:41.045 --> 01:12:44.805

that round of hearings, um, more details emerged.

1311

01:12:45.185 --> 01:12:48.285

And, um, with your approval, I'll pass over

1312

01:12:48.305 --> 01:12:49.365

to my colleague Mr.

1313

01:12:49.475 --> 01:12:52.605

Hodgkin, who can add to that. Thank

1314

01:12:52.605 --> 01:12:53.765

You very much, Briad.

1315

01:12:56.355 --> 01:12:59.405

Good morning. Um, Ben Hodgkin for ABP.

1316

01:12:59.825 --> 01:13:02.085

And just by way of a very brief introduction,

1317

01:13:02.205 --> 01:13:03.605

'cause I, I didn't do this yesterday.

1318

01:13:03.945 --> 01:13:06.485

My current role is head of group projects for AVP.

1319

01:13:06.545 --> 01:13:11.085

So I have a team of approximately 25 people working for me,

1320

01:13:11.085 --> 01:13:13.245

responsible for the delivery of our full,

1321

01:13:13.245 --> 01:13:15.725

major capital portfolio of projects.

1322

01:13:16.385 --> 01:13:18.085

Um, but as Mr.

1323

01:13:18.085 --> 01:13:19.885

Bristow referred to, my background is

1324

01:13:19.885 --> 01:13:21.005

maritime civil engineering.

1325

01:13:21.465 --> 01:13:24.045

For the last 20 years, I've done master planning design

1326

01:13:24.065 --> 01:13:26.605

and overseeing construction of marine infrastructure.

1327

01:13:27.425 --> 01:13:30.765

Um, and whilst I have responsibility for our

1328

01:13:31.335 --> 01:13:32.605

major project portfolio,

1329

01:13:33.365 --> 01:13:35.405

I was also closely engaged and attended.

1330

01:13:35.925 --> 01:13:38.285

I think every conversation subsequent

1331

01:13:38.285 --> 01:13:41.045

to the 28th of September as we were working,

1332

01:13:41.785 --> 01:13:45.965

as has been explained in a very open collaborative way

1333

01:13:46.795 --> 01:13:49.885

with good support from our colleagues at IO OT

1334

01:13:50.065 --> 01:13:54.925

and their advisors to try and further define and shape

1335

01:13:54.925 --> 01:13:57.725

and understand how we could convert what

1336
01:13:58.445 --> 01:14:00.765
everyone agrees is a very high level schematic

1337
01:14:01.355 --> 01:14:04.925
into something that is actually deliverable, um,

1338
01:14:05.105 --> 01:14:08.925
and meets the requirements of the

1339
01:14:09.485 --> 01:14:10.525
operators of iot.

1340
01:14:11.265 --> 01:14:15.245
Um, that became apparent following the,

1341
01:14:15.465 --> 01:14:16.685
the letter of the 28th.

1342
01:14:17.625 --> 01:14:21.765
So, um, we did that through, as I say, a series

1343
01:14:21.785 --> 01:14:23.365
of a series of workshops.

1344
01:14:23.365 --> 01:14:25.685
So were four workshops in the first weeks of October.

1345
01:14:26.425 --> 01:14:30.125
Um, and it became apparent during these workshops

1346
01:14:30.235 --> 01:14:32.845
that there were a number of requirements

1347
01:14:33.075 --> 01:14:37.485
that the IOT operators had that were not consistent with

1348
01:14:38.305 --> 01:14:40.085
the, the high level schematic

1349
01:14:40.275 --> 01:14:42.565

that was included in the letter of the 28th.

1350

01:14:43.425 --> 01:14:46.725

And that is absolutely not meant to a criticism of

1351

01:14:47.025 --> 01:14:48.245

of, of this layout.

1352

01:14:48.835 --> 01:14:52.405

It's just a matter of fact that the requirements

1353

01:14:52.405 --> 01:14:55.605

that were presented to us as we went through this design

1354

01:14:56.505 --> 01:14:59.925

really sort of base of design understanding exercise

1355

01:15:00.195 --> 01:15:01.885

with the IOT operators

1356

01:15:01.885 --> 01:15:05.925

and their advisors, that there was a clear conflict between

1357

01:15:05.925 --> 01:15:07.565

what was being requested

1358

01:15:08.025 --> 01:15:10.765

and what a what was represented on the screen

1359

01:15:10.785 --> 01:15:15.685

and what could viably be delivered, um, as part of a scheme,

1360

01:15:16.705 --> 01:15:18.485

um, that was proposed.

1361

01:15:18.665 --> 01:15:21.445

And I think I can go through

1362

01:15:21.445 --> 01:15:23.005

that in a, in a number of areas.

1363

01:15:23.285 --> 01:15:25.445

I, I, I think Mr.

1364

01:15:25.555 --> 01:15:28.445

Bristow has very clearly articulated the, the point

1365

01:15:28.445 --> 01:15:31.125

around length of, of the finger pier,

1366

01:15:31.385 --> 01:15:33.085

but there are, there are a number of other, other,

1367

01:15:33.485 --> 01:15:36.685

I would say perhaps even more fundamental issues

1368

01:15:36.685 --> 01:15:39.045

that we came up that, that became apparent

1369

01:15:39.045 --> 01:15:43.245

during those workshops, principally around,

1370

01:15:43.945 --> 01:15:48.685

um, the design impact speed for any, um,

1371

01:15:48.705 --> 01:15:51.445

vessel impact protection structure that was going to be,

1372

01:15:52.065 --> 01:15:53.285

um, adopted.

1373

01:15:54.305 --> 01:15:57.885

And that has a number of knock on

1374

01:15:57.885 --> 01:16:00.245

or secondary consequences that needed

1375

01:16:00.245 --> 01:16:02.645

to be considered when we were considering the overall

1376

01:16:02.645 --> 01:16:06.965

viability of putting forward as a formal change,

1377

01:16:07.905 --> 01:16:10.565

the infrastructure that will be required

1378

01:16:10.565 --> 01:16:11.965

to meet that requirement.

1379

01:16:12.945 --> 01:16:16.725

And if I can go a little bit into more detail on

1380

01:16:16.725 --> 01:16:19.245

that particular point around vessel impact speed.

1381

01:16:20.105 --> 01:16:23.765

So the very clear sort of binary

1382

01:16:23.945 --> 01:16:28.285

or red line requirement that was stipulated was for

1383

01:16:28.945 --> 01:16:32.005

any vessel impact protection structure to be designed

1384

01:16:32.145 --> 01:16:36.005

for a maximum impact speed of four

1385

01:16:36.025 --> 01:16:40.645

and a half knots for the maximum design vessel envelope

1386

01:16:40.645 --> 01:16:44.205

that we talked, um, extensively about yesterday.

1387

01:16:45.345 --> 01:16:48.645

And, um, what this means,

1388

01:16:48.645 --> 01:16:52.525

just from a purely engineering perspective, is the size

1389

01:16:52.545 --> 01:16:55.765

of structure that is required to resist

1390
01:16:56.825 --> 01:17:01.165
and, um, absorb the energy that is needed

1391
01:17:01.185 --> 01:17:04.325
to stop a vessel of that size going at that speed

1392
01:17:05.445 --> 01:17:07.725
resulted in a planned footprint.

1393
01:17:07.915 --> 01:17:10.805
Well, firstly, it could only be

1394
01:17:11.125 --> 01:17:15.765
provided with the construction of a physical, a, a solid,

1395
01:17:16.545 --> 01:17:19.445
um, case on or sheet piled wall structure.

1396
01:17:20.345 --> 01:17:25.205
So the concept of doing something on piles, um,

1397
01:17:25.705 --> 01:17:28.405
was not available in that, in that scenario just

1398
01:17:28.405 --> 01:17:30.765
because of the, the scale of the energies

1399
01:17:30.765 --> 01:17:32.485
and the resultant reaction forces

1400
01:17:33.355 --> 01:17:35.245
that are required to be resisted.

1401
01:17:36.265 --> 01:17:41.085
And the plan footprint of that gravity structure

1402
01:17:42.305 --> 01:17:44.125
was approximately in the order for each

1403
01:17:44.125 --> 01:17:46.325

of them was approximately in the order of 45

1404

01:17:46.325 --> 01:17:49.205

to 25 meters in terms of plan footprint.

1405

01:17:49.575 --> 01:17:51.525

Which, again, not to scale,

1406

01:17:51.665 --> 01:17:54.405

but just to put that into context in terms of

1407

01:17:54.955 --> 01:17:56.285

what we were sort

1408

01:17:56.285 --> 01:17:59.125

of had in our mind's eye when we were talking about this

1409

01:17:59.125 --> 01:18:01.245

layout is approximately four times

1410

01:18:01.995 --> 01:18:06.285

greater in size than that's shown on, on, on this sketch.

1411

01:18:07.625 --> 01:18:12.525

So as I say that, that then the, the consequence of

1412

01:18:12.525 --> 01:18:16.365

that is then that it's very clear

1413

01:18:17.195 --> 01:18:19.845

from the design work that was done in this intensive sort

1414

01:18:19.845 --> 01:18:23.285

of two week period in the first weeks of October, is that

1415

01:18:23.905 --> 01:18:27.485

to accommodate the IOT's requirements you'd need to put in

1416

01:18:28.285 --> 01:18:32.765

a solid structure, not piled it would need to be 45

1417

01:18:32.785 --> 01:18:34.805
by 25 approximately each of them.

1418

01:18:35.705 --> 01:18:39.005
Um, which has then the consequence,

1419

01:18:39.525 --> 01:18:41.485
a very significant consequence for the deliverability

1420

01:18:41.505 --> 01:18:42.805
of something of that scale.

1421

01:18:43.385 --> 01:18:45.365
In this, what we would say is,

1422

01:18:45.685 --> 01:18:47.645
I think we've all been talking about a relatively

1423

01:18:47.645 --> 01:18:48.805
constrained environment

1424

01:18:48.805 --> 01:18:51.125
that you're introducing some very large structures into

1425

01:18:51.125 --> 01:18:54.325
already a relatively, um, constrained environment.

1426

01:18:54.425 --> 01:18:58.925
So, um, there are questions around the deliverability

1427

01:18:58.985 --> 01:19:01.285
of a structure of that type and size,

1428

01:19:01.345 --> 01:19:02.925
and we can go into the detail of that,

1429

01:19:02.925 --> 01:19:04.965
whether it's a case on or a sheet pile wall,

1430

01:19:04.965 --> 01:19:07.485

and how you would actually do that when you're sitting it on

1431

01:19:08.145 --> 01:19:10.005

10 meters of relatively soft silt

1432

01:19:10.005 --> 01:19:11.365

and the constructability of that.

1433

01:19:11.985 --> 01:19:15.405

But a, a, a key, a key consideration of ours when we came

1434

01:19:15.405 --> 01:19:18.605

to look at that was also the environmental impact of,

1435

01:19:18.985 --> 01:19:21.405

of a structure of that size and scale.

1436

01:19:22.185 --> 01:19:26.485

That's the direct subtitle,

1437

01:19:26.485 --> 01:19:28.405

footprint loss that's generated.

1438

01:19:29.025 --> 01:19:33.725

And again, just to put that into context, that is the, the,

1439

01:19:33.985 --> 01:19:37.205

the direct subtitle loss

1440

01:19:37.835 --> 01:19:40.005

from putting in structures of the scale

1441

01:19:40.005 --> 01:19:42.045

that we anticipate being required

1442

01:19:43.185 --> 01:19:47.285

was 10 times more than the total subtitle loss of the whole

1443

01:19:47.285 --> 01:19:48.605

of i a development.

1444

01:19:48.945 --> 01:19:52.205

So it's, it's a materially significant change

1445

01:19:53.025 --> 01:19:55.285

to the environmental impact assessment.

1446

01:19:55.745 --> 01:19:58.245

And that's before you consider the impact on the hydrology,

1447

01:19:58.245 --> 01:20:00.085

which we've been talking about this, this morning,

1448

01:20:00.085 --> 01:20:01.285

the hydrodynamic flows

1449

01:20:01.705 --> 01:20:03.925

and the impact that that would have on the continuing

1450

01:20:03.925 --> 01:20:06.485

operation of the IOT infrastructure.

1451

01:20:07.385 --> 01:20:10.325

So there are a number of reasons that it was felt that

1452

01:20:10.325 --> 01:20:13.365

that was, um, the scheme that was,

1453

01:20:13.675 --> 01:20:16.125

that there was a consequence of responding

1454

01:20:16.125 --> 01:20:20.965

to the IOT operator's requirements, was, um,

1455

01:20:21.455 --> 01:20:23.045

completely disproportionate

1456

01:20:23.945 --> 01:20:28.125

and undeliverable when compared to

1457

01:20:29.505 --> 01:20:31.845

the existing controls

1458

01:20:32.025 --> 01:20:35.045

and the proposed operational controls that

1459

01:20:35.625 --> 01:20:37.645

our position very clearly on the basis

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01:20:37.665 --> 01:20:40.605

of our independent advice and the decision from the Harbor

1461

01:20:40.625 --> 01:20:44.165

and Safety Board are not necessary in any event.

1462

01:20:44.905 --> 01:20:48.485

So whilst we entered into this with a very positive spirit

1463

01:20:48.545 --> 01:20:51.485

of collaboration, trying to reach common ground with,

1464

01:20:51.485 --> 01:20:55.285

with the IOT operators, it was, it was a disappointment

1465

01:20:55.305 --> 01:20:58.245

to us that we weren't able to reach a position

1466

01:20:58.945 --> 01:21:00.845

or haven't yet been able to reach a position

1467

01:21:00.845 --> 01:21:04.125

where we could deliver something that was on the basis

1468

01:21:04.305 --> 01:21:06.005

of the Beckett ranking scheme.

1469

01:21:07.025 --> 01:21:11.125

Um, that, that we deem as appropriate

1470

01:21:11.825 --> 01:21:16.525

in terms of, um, mitigating any residual risk

1471
01:21:16.525 --> 01:21:21.245
that the IOT operators consider, particularly in relation

1472
01:21:21.265 --> 01:21:26.125
to the enhanced operational controls that will be

1473
01:21:27.115 --> 01:21:29.725
applied to the operation of birth one.

1474
01:21:30.305 --> 01:21:31.645
And that is something that, again,

1475
01:21:31.695 --> 01:21:34.925
we've been doing further work on.

1476
01:21:35.505 --> 01:21:38.605
And 'cause we recognize that iot, one

1477
01:21:38.605 --> 01:21:41.085
of the key requests in these conversations was

1478
01:21:41.085 --> 01:21:43.805
to provide some additional granularity in terms of

1479
01:21:44.075 --> 01:21:46.125
what do you mean by operational controls?

1480
01:21:46.465 --> 01:21:49.525
So over the last, uh, during that period

1481
01:21:49.665 --> 01:21:53.605
and the month of October, we were engaged in a number

1482
01:21:53.605 --> 01:21:56.365
of discussions around what level, what does

1483
01:21:56.365 --> 01:21:58.365
that mean in terms of operational controls.

1484
01:21:59.885 --> 01:22:01.645

I very key to hear more about that,

1485

01:22:01.865 --> 01:22:05.565

but could we just take a a, like a, a,

1486

01:22:06.665 --> 01:22:08.325

an intermission Sure.

1487

01:22:08.465 --> 01:22:12.565

On, on, uh, if we look at the structural engineering

1488

01:22:13.185 --> 01:22:14.725

aspect first mm-Hmm mm-Hmm.

1489

01:22:14.805 --> 01:22:17.805

Which, uh, civil engineering aspect, um,

1490

01:22:18.915 --> 01:22:23.365

very clear exposition of, um, the process.

1491

01:22:23.535 --> 01:22:27.245

Thank you. Essentially, I see the

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01:22:27.835 --> 01:22:30.205

ongoing process as being one of value management,

1493

01:22:30.735 --> 01:22:32.045

value engineering in a sense.

1494

01:22:32.625 --> 01:22:36.845

Um, you mentioned you haven't yet reached, if you like,

1495

01:22:36.845 --> 01:22:38.365

a position of, of common ground.

1496

01:22:39.065 --> 01:22:40.885

Uh, I think what we've gotta try

1497

01:22:40.885 --> 01:22:43.765

to understand this morning is whether there's any prospect

1498

01:22:43.865 --> 01:22:47.525

within the, the, the timeframe of this examination

1499

01:22:47.745 --> 01:22:49.285

of getting to that common ground.

1500

01:22:49.705 --> 01:22:53.245

You some distance apart, it appears from the written

1501

01:22:53.925 --> 01:22:56.845

reposition from about a week ago.

1502

01:22:57.705 --> 01:23:00.125

Uh, there's very little time left.

1503

01:23:00.625 --> 01:23:03.885

So I think could you give us a little bit of a commentary on

1504

01:23:05.065 --> 01:23:08.405

the counter position, um, which, uh,

1505

01:23:09.625 --> 01:23:13.565

if you like, that you feel could be offered,

1506

01:23:13.705 --> 01:23:15.285

and this is again without prejudice,

1507

01:23:15.665 --> 01:23:20.325

but understanding that something which fits spatially

1508

01:23:20.785 --> 01:23:24.485

and in terms of environmental impact, uh,

1509

01:23:26.435 --> 01:23:29.365

more closely to what you had in mind on the 27th,

1510

01:23:29.365 --> 01:23:30.485

28th of September.

1511

01:23:30.915 --> 01:23:32.245

Give us a bit of narrative on that.

1512

01:23:33.845 --> 01:23:36.325

Absolutely. I'm Ben Hodgkin for ABP.

1513

01:23:36.465 --> 01:23:40.285

So I think what I'd say on that is our position is,

1514

01:23:41.165 --> 01:23:44.165

I would hope pretty clearly set out within the change

1515

01:23:44.165 --> 01:23:46.245

notification that that was submitted.

1516

01:23:46.945 --> 01:23:51.525

Um, and our, our current position

1517

01:23:52.185 --> 01:23:56.845

is that to meet the specified engineering, uh,

1518

01:23:57.285 --> 01:24:01.245

functional requirements, um, it it will not be possible

1519

01:24:01.245 --> 01:24:04.045

or viable to deliver the physical infrastructure and

1520

01:24:04.045 --> 01:24:05.485

nor would it be, right, I think

1521

01:24:05.505 --> 01:24:09.045

to deliver the physical infrastructure that was suggested

1522

01:24:09.625 --> 01:24:12.765

as part of this, um, initial concept design.

1523

01:24:13.465 --> 01:24:17.085

And the, the rationale behind that is predominantly driven

1524

01:24:17.145 --> 01:24:18.605

by, as I refer to,

1525

01:24:18.665 --> 01:24:21.245

and we can talk about the engineering, the op, but,

1526

01:24:21.345 --> 01:24:25.605

but it is really dependent on the operational controls

1527

01:24:25.605 --> 01:24:28.525

that will be applied to birth one.

1528

01:24:29.145 --> 01:24:33.245

And so, because using, my, my

1529

01:24:33.775 --> 01:24:36.645

impression is that the,

1530

01:24:38.185 --> 01:24:40.525

the development that, um,

1531

01:24:41.225 --> 01:24:43.085

or the requirements that are being put forward

1532

01:24:43.085 --> 01:24:45.205

that we are then trying to meet from an engineering

1533

01:24:45.205 --> 01:24:48.085

perspective, effectively assume that there are,

1534

01:24:48.175 --> 01:24:51.045

there are limited or no operational controls in place.

1535

01:24:51.145 --> 01:24:52.765

So for example, the requirement

1536

01:24:52.765 --> 01:24:57.285

to design impact protection structures for vessel speeds

1537

01:24:57.465 --> 01:25:02.325

of four and a half knots would, I'll defer

1538

01:25:02.325 --> 01:25:03.885

to my marine colleagues on this,

1539

01:25:03.905 --> 01:25:08.285

but would suggest that there is, there is that, that

1540

01:25:08.395 --> 01:25:11.925

that is trying to, um, protect against the conse, uh,

1541

01:25:12.185 --> 01:25:17.085

an event where there is no tug attached

1542

01:25:17.105 --> 01:25:20.285

to a vessel as the only way that the vessel could get up

1543

01:25:20.285 --> 01:25:24.845

to the maximum peak current speed, which only occurs eight,

1544

01:25:24.845 --> 01:25:26.965

9% of the time across the year.

1545

01:25:27.365 --> 01:25:29.365

I, I was going to ask, whilst you're on

1546

01:25:29.365 --> 01:25:31.365

that particular point, sorry to interrupt, uh,

1547

01:25:32.445 --> 01:25:35.165

I think it would be helpful to the examination

1548

01:25:35.185 --> 01:25:36.405

to understand a little bit of,

1549

01:25:38.385 --> 01:25:41.085

and this depends on, on the vessel dynamics.

1550

01:25:41.205 --> 01:25:43.565

I, I know, and, but in terms of trying

1551

01:25:43.565 --> 01:25:46.445

to move this forward in a sort of, um,

1552

01:25:47.675 --> 01:25:49.405
heuristic rule of thumb mm-Hmm.

1553

01:25:49.985 --> 01:25:52.645
Um, how long is it gonna take from a vessel

1554

01:25:52.795 --> 01:25:53.845
that is stationary

1555

01:25:54.665 --> 01:25:58.885
and then loses power to get up to four and a half knots?

1556

01:26:02.485 --> 01:26:04.605
I, I, I will, I will defer to, because I mean

1557

01:26:04.625 --> 01:26:06.925
The Marine must discussion marine advisors value

1558

01:26:07.165 --> 01:26:09.445
Engineering is that actually, if in reality

1559

01:26:09.985 --> 01:26:12.365
the likelihood is that it, um, a,

1560

01:26:12.365 --> 01:26:16.045
the vessel may not be a design vessels, uh, the, the, the,

1561

01:26:16.045 --> 01:26:19.485
the maximum design vessel, uh, size or may

1562

01:26:19.485 --> 01:26:24.165
or may not be B, um, it may not be at four

1563

01:26:24.165 --> 01:26:25.165
and a half knots velocity.

1564

01:26:26.265 --> 01:26:30.525
Um, and therefore the design requirements

1565

01:26:32.025 --> 01:26:35.525

are on a premise for dealing with a, uh,

1566

01:26:35.525 --> 01:26:37.885

an eventuality which is extremely remote.

1567

01:26:38.115 --> 01:26:41.325

That, that's exactly our position, if I may, um,

1568

01:26:41.635 --> 01:26:45.485

because that's exactly our position.

1569

01:26:46.045 --> 01:26:50.325

'cause if you compare what the operational controls

1570

01:26:50.325 --> 01:26:53.365

that are going that are being proposed for birth one,

1571

01:26:55.135 --> 01:26:59.965

we've done some simulations that we, um, that came out

1572

01:26:59.965 --> 01:27:02.245

of the discussions that we've been having with iot

1573

01:27:02.265 --> 01:27:04.165

to demonstrate that four

1574

01:27:04.165 --> 01:27:07.125

and a half knots was not an appropriate level, for example.

1575

01:27:08.025 --> 01:27:11.645

Um, and the simulations have demonstrated that

1576

01:27:11.945 --> 01:27:14.285

for the proposed operational controls that are,

1577

01:27:14.285 --> 01:27:18.725

that are going to be put forward, which are

1578

01:27:18.935 --> 01:27:23.045

above and beyond what would usually be applied

1579
01:27:23.225 --> 01:27:26.725
for a facility of this type on the Humber

1580
01:27:27.435 --> 01:27:30.325
clearly demonstrate that it is

1581
01:27:31.275 --> 01:27:33.645
when you have a tug attached and the,

1582
01:27:33.745 --> 01:27:35.165
and tugs will be attached.

1583
01:27:36.425 --> 01:27:39.925
You, you do not, you, you a tug arrests

1584
01:27:39.985 --> 01:27:41.965
and stops the design vessel from, forgive

1585
01:27:41.965 --> 01:27:43.685
Me, you may not have a tug attached

1586
01:27:43.685 --> 01:27:45.685
because we've had plenty of evidence

1587
01:27:45.755 --> 01:27:48.925
that in normal operation the railroads will not have tugs.

1588
01:27:49.785 --> 01:27:53.205
And that's why our enhance the proposal for birth one,

1589
01:27:54.095 --> 01:27:55.405
which we've been developing

1590
01:27:55.405 --> 01:27:59.205
and has been shared sort of outline principle with, with IOT

1591
01:27:59.385 --> 01:28:02.325
and, and their advisors is to go above

1592
01:28:02.325 --> 01:28:04.445

and beyond what is typically

1593

01:28:04.805 --> 01:28:07.245
provided in terms of an enhanced set

1594

01:28:07.245 --> 01:28:10.685
of operational controls, which, so using an example,

1595

01:28:12.025 --> 01:28:16.645
um, on an arrival where you have a, a speed,

1596

01:28:17.045 --> 01:28:18.645
a current speed less than two

1597

01:28:18.645 --> 01:28:20.645
and a half knots, a typical,

1598

01:28:20.905 --> 01:28:24.325
you would not have a tug in standard operating conditions,

1599

01:28:24.325 --> 01:28:26.405
you would not have a tug attached that

1600

01:28:26.405 --> 01:28:28.045
that would not, that would not be the case.

1601

01:28:29.025 --> 01:28:32.085
But our proposal and, and,

1602

01:28:32.425 --> 01:28:36.965
and, um, is, is to commit to providing

1603

01:28:37.685 --> 01:28:41.325
a, um, tug in that, in that instance.

1604

01:28:41.525 --> 01:28:45.125
I understand. So it's an extra layer of control

1605

01:28:46.105 --> 01:28:50.125
purely fully consistent with the NRA conclusions,

1606

01:28:50.125 --> 01:28:54.205

which specify further adaptive controls around tug uses,

1607

01:28:54.305 --> 01:28:58.685

et cetera, to be defined as the operation of the facility is

1608

01:28:58.955 --> 01:28:59.955

Defined. So we therefore

1609

01:28:59.955 --> 01:29:03.085

talking about if that, um,

1610

01:29:04.175 --> 01:29:06.605

let's not make any kind of assumptions on, on,

1611

01:29:06.745 --> 01:29:08.085

on the acceptability,

1612

01:29:08.225 --> 01:29:11.885

but from that proposition with the two

1613

01:29:11.885 --> 01:29:15.645

and a half knot title current, uh, as being the threshold,

1614

01:29:16.505 --> 01:29:20.565

the design, uh, requirements for, um,

1615

01:29:22.305 --> 01:29:25.925

for this engineering exercise would be two

1616

01:29:25.925 --> 01:29:28.005

and a half knots terminal velocity,

1617

01:29:30.195 --> 01:29:31.455

not four, no, four

1618

01:29:31.455 --> 01:29:32.455

And a half. It would act,

1619

01:29:32.455 --> 01:29:33.775

well, it actually zero

1620

01:29:33.775 --> 01:29:36.135

because we are, we are committing, we would be committing

1621

01:29:36.135 --> 01:29:37.815

to having a tug for any

1622

01:29:38.385 --> 01:29:40.975

state tide less than two and a half knots.

1623

01:29:41.195 --> 01:29:42.195

It would be perhaps,

1624

01:29:43.465 --> 01:29:45.655

Sorry, that's not what you said earlier. On all

1625

01:29:45.755 --> 01:29:46.755

Abs. All abs.

1626

01:29:46.755 --> 01:29:47.895

So less than two

1627

01:29:47.895 --> 01:29:50.975

and a half knots, we'd be committing to putting a tug

1628

01:29:51.355 --> 01:29:54.335

for the operation of birth one during e arrivals.

1629

01:29:54.875 --> 01:29:58.335

So if I understand it, that means a, a tug

1630

01:29:58.355 --> 01:29:59.575

for all ever rivals

1631

01:30:00.875 --> 01:30:01.875

To birth one. Correct.

1632

01:30:01.875 --> 01:30:02.575

1633

01:30:03.725 --> 01:30:06.815

Okay. So again, this is, this is where, sorry,

1634

01:30:06.935 --> 01:30:11.495

I, i, if it, if I help sir, your question,

1635

01:30:12.205 --> 01:30:14.135

what about the design

1636

01:30:15.755 --> 01:30:20.135

of the impact protection measures for two and a half knots?

1637

01:30:20.415 --> 01:30:24.975

I think, um, you may be able to assist on Mr.

1638

01:30:25.005 --> 01:30:27.055

Hodgkin, which 'cause I I think you

1639

01:30:27.055 --> 01:30:28.135

might have been a slight cross.

1640

01:30:28.525 --> 01:30:32.135

Forgive me. I think there's a strong risk of, uh, cross,

1641

01:30:32.345 --> 01:30:33.375

cross purposes here.

1642

01:30:33.515 --> 01:30:35.495

But let's try and take one point at a time. Yes.

1643

01:30:35.625 --> 01:30:37.815

First is, uh, uh, Ms.

1644

01:30:37.815 --> 01:30:41.495

Hodgkins is, is suggesting that a, uh, uh,

1645

01:30:41.655 --> 01:30:45.855

a proposed applied control here is, uh,

1646

01:30:46.165 --> 01:30:50.575

requirement for railroad vessels at birth one to

1647

01:30:51.395 --> 01:30:55.415
be tug assisted in all abides.

1648

01:30:55.435 --> 01:30:57.455
If I understand what you've just said, for

1649

01:30:57.495 --> 01:30:58.535
E arrivals, correct.

1650

01:30:58.555 --> 01:31:01.655
For e arrivals, not s Okay. Correct.

1651

01:31:01.765 --> 01:31:05.335
Yeah. So irrespective, you see what confused me is

1652

01:31:05.335 --> 01:31:08.055
that you earlier on, um, mentioned a two

1653

01:31:08.055 --> 01:31:09.455
and a half knot title.

1654

01:31:09.835 --> 01:31:14.575
Um, uh, uh, uh, uh, uh, current speed as a threshold.

1655

01:31:16.285 --> 01:31:18.495
It's a threshold that applies on other

1656

01:31:18.795 --> 01:31:20.215
infrastructure in the river.

1657

01:31:21.345 --> 01:31:23.415
Thank You. And what we are proposing

1658

01:31:23.475 --> 01:31:25.215
is enhanced above that.

1659

01:31:25.625 --> 01:31:29.615
Thank you particularly for this particularly to, um,

1660
01:31:30.885 --> 01:31:34.415
give the additional reassurance to the iot operators

1661
01:31:35.325 --> 01:31:36.325
Even. So it's birth

1662
01:31:36.325 --> 01:31:37.295
specific. That's

1663
01:31:37.295 --> 01:31:38.295
Birth specific. Thank you.

1664
01:31:38.295 --> 01:31:39.375
Yeah.

1665
01:31:39.555 --> 01:31:41.295
Can I, can I just interpose here

1666
01:31:41.345 --> 01:31:44.015
where you are now engaged in discussions on matters

1667
01:31:44.015 --> 01:31:45.135
that were the subject of

1668
01:31:45.235 --> 01:31:47.175
and are continuing to be the subject

1669
01:31:47.275 --> 01:31:48.815
of without prejudice discussions

1670
01:31:49.005 --> 01:31:50.575
because that was understood.

1671
01:31:50.755 --> 01:31:53.775
We have put nothing in about those negotiations.

1672
01:31:53.995 --> 01:31:56.655
Our understanding is no commitment to being provided.

1673
01:31:56.955 --> 01:31:59.805

And if we are having an open discussion, this ought

1674

01:31:59.805 --> 01:32:00.885
to go into the DC0.

1675

01:32:01.015 --> 01:32:03.285
There are no proposed changes with regard to this

1676

01:32:03.305 --> 01:32:04.405
to go into the DC0.

1677

01:32:05.665 --> 01:32:09.165
And this is cause this will cause problems both of fairness

1678

01:32:10.025 --> 01:32:13.045
and of actually understanding what ABP genuinely means.

1679

01:32:13.045 --> 01:32:14.765
Because as I've understood it, to date,

1680

01:32:14.935 --> 01:32:19.365
there is no commitment such as you are being, uh, told, uh,

1681

01:32:19.365 --> 01:32:23.645
with regard to uh, uh, uh, birth one departures.

1682

01:32:24.875 --> 01:32:27.565
It's a suggestion and it's a, a matter of discussion,

1683

01:32:27.565 --> 01:32:28.685
but there is no commitment.

1684

01:32:29.905 --> 01:32:31.645
It is, uh, certainly a topic

1685

01:32:31.675 --> 01:32:33.845
that we will be addressing in the next hearing.

1686

01:32:34.375 --> 01:32:36.085
We've already got a series

1687

01:32:36.165 --> 01:32:38.325

of questions lined up on exactly that point.

1688

01:32:39.305 --> 01:32:41.405

The difficulty with that, of course,

1689

01:32:41.665 --> 01:32:43.765

is it's then involves you opening up

1690

01:32:44.295 --> 01:32:46.445

continuing without prejudice discussions,

1691

01:32:46.895 --> 01:32:48.565

which we've not been asked to do

1692

01:32:48.865 --> 01:32:50.565

and we put in no representations on.

1693

01:32:50.565 --> 01:32:53.085

And had we known you were going to try

1694

01:32:53.085 --> 01:32:55.045

and go behind the without prejudice label,

1695

01:32:55.785 --> 01:32:59.005

we would've put in representations already.

1696

01:33:00.335 --> 01:33:02.445

Could I, could I just respond to that?

1697

01:33:02.665 --> 01:33:05.445

Um, I, my James Storm for the applicant

1698

01:33:07.715 --> 01:33:12.365

yesterday, we were, we had this discussion

1699

01:33:13.225 --> 01:33:15.085

and my clear recollection, Mr.

1700

01:33:15.575 --> 01:33:19.445

Elvin said we are hampered because it's without prejudice.

1701

01:33:19.585 --> 01:33:22.125

But if ABP wants to lift that

1702

01:33:22.785 --> 01:33:24.565

In relation to the a hundred meters, Mr.

1703

01:33:24.655 --> 01:33:25.655

Straw,

1704

01:33:26.755 --> 01:33:27.885

Well that's quite Mr.

1705

01:33:27.885 --> 01:33:29.245

Goul, can I just finish?

1706

01:33:29.585 --> 01:33:30.765

Can I, can I just No,

1707

01:33:30.765 --> 01:33:31.885

I was speaking, can I just finish?

1708

01:33:32.075 --> 01:33:34.445

Well, you need to understand what my concession was

1709

01:33:34.445 --> 01:33:36.245

before you start making submissions, Mr.

1710

01:33:36.415 --> 01:33:38.405

Straw. I've tried to keep calm.

1711

01:33:38.625 --> 01:33:40.005

I'd just like to finish if I may.

1712

01:33:40.595 --> 01:33:42.165

I've got another idea. I think,

1713

01:33:43.445 --> 01:33:45.805

I think I've got very good, Which is you would like

1714
01:33:45.805 --> 01:33:46.925
to go for a coffee and see if we can

1715
01:33:46.995 --> 01:33:47.995
Sort it out. No,

1716
01:33:47.995 --> 01:33:51.685
Um, but we have reached half past 11.

1717
01:33:52.965 --> 01:33:57.405
I remember we have said for this hearing in particular,

1718
01:33:58.175 --> 01:34:03.165
there may be a need for an adjournment for parties

1719
01:34:03.305 --> 01:34:06.085
to go on way and discuss things that they need to discuss

1720
01:34:06.185 --> 01:34:07.845
and pass possibly not

1721
01:34:07.845 --> 01:34:10.085
to do in front of the examining authority.

1722
01:34:10.585 --> 01:34:13.165
And I think we've reached that juncture, um,

1723
01:34:13.165 --> 01:34:15.325
because it, from what I'm hearing, I've,

1724
01:34:15.325 --> 01:34:17.645
I've been scri making notes, scribbling things out,

1725
01:34:18.585 --> 01:34:19.845
um, remaking notes.

1726
01:34:20.155 --> 01:34:21.645
It's getting a bit confusing as

1727
01:34:21.645 --> 01:34:23.405

to who's said what to who when.

1728

01:34:24.265 --> 01:34:28.525

Um, I think there is a need for the applicant

1729

01:34:28.625 --> 01:34:30.205

and IO OT to go off

1730

01:34:30.205 --> 01:34:34.525

and find a room somewhere, uh, to have a discussion,

1731

01:34:35.425 --> 01:34:38.005

uh, so that both sides know precisely

1732

01:34:39.035 --> 01:34:41.445

what is now possibly being put on the table

1733

01:34:41.955 --> 01:34:45.445

that maybe wasn't on the table two or three days ago.

1734

01:34:45.645 --> 01:34:48.525

IE before we commenced this hearing, um,

1735

01:34:48.525 --> 01:34:51.165

because it all does seem to be getting rather confused,

1736

01:34:51.835 --> 01:34:54.245

this line of questioning first started

1737

01:34:54.245 --> 01:34:56.965

because the examining authority wanted to be sure

1738

01:34:57.825 --> 01:35:01.765

it understood what lay behind, um,

1739

01:35:02.905 --> 01:35:04.765

the 28th of September letter

1740

01:35:04.945 --> 01:35:06.925

and what appeared to be the understanding

1741

01:35:07.275 --> 01:35:08.485
between the two parties.

1742

01:35:09.305 --> 01:35:11.485
We have then subsequently seen written submissions

1743

01:35:12.215 --> 01:35:14.925
where there seems to be quite a big difference

1744

01:35:14.925 --> 01:35:16.525
between those two parties.

1745

01:35:17.425 --> 01:35:21.405
Uh, and we are hearing, hearing oral evidence up to a point

1746

01:35:21.435 --> 01:35:24.405
that suggests there is still quite a lot of difference

1747

01:35:24.405 --> 01:35:27.765
between what the two parties understand the position is

1748

01:35:28.065 --> 01:35:29.165
as we sit here today.

1749

01:35:30.105 --> 01:35:34.205
Um, so in terms of a suggestion from the German

1750

01:35:34.425 --> 01:35:39.285
for I OT and applicant to go away and have a chat, um,

1751

01:35:39.285 --> 01:35:41.125
however that is facilitated,

1752

01:35:41.385 --> 01:35:42.765
we are certainly gonna disappear

1753

01:35:43.265 --> 01:35:46.525
and be well away from whatever happens in that room.

1754

01:35:47.305 --> 01:35:49.285

Um, is that something Mr.

1755

01:35:49.375 --> 01:35:52.605

Elvin, that you think would assist your client?

1756

01:35:53.835 --> 01:35:56.125

Well, I, I'm, I'm not sure it will get us very far,

1757

01:35:56.145 --> 01:35:57.765

but I'm certainly willing for us to try,

1758

01:35:58.675 --> 01:36:00.565

Well, at least it might help you understand

1759

01:36:00.675 --> 01:36:03.285

what the applicant might be putting forward.

1760

01:36:03.995 --> 01:36:05.285

Well, I think we know what they,

1761

01:36:05.795 --> 01:36:08.125

from our without prejudice discussions

1762

01:36:08.125 --> 01:36:09.165

what they are putting forward,

1763

01:36:09.785 --> 01:36:11.965

but I mean, perfectly happy to try

1764

01:36:11.965 --> 01:36:13.165

and advance those matters.

1765

01:36:13.585 --> 01:36:16.405

The matters you raised yesterday were as to the expectations

1766

01:36:16.405 --> 01:36:19.405

of physical works at the time of the letter the 28th

1767

01:36:19.905 --> 01:36:23.965

and went no further than that, which is why, uh, I tried

1768
01:36:23.965 --> 01:36:25.485
to interrupt very rudely, sorry, Mr.

1769
01:36:25.495 --> 01:36:26.805
Straw, Mr. Straw earlier.

1770
01:36:26.825 --> 01:36:29.885
It wasn't about a general waiver of without prejudice.

1771
01:36:30.385 --> 01:36:32.965
Now if they want to do that, then I'll happy to discuss

1772
01:36:32.965 --> 01:36:37.485
that, but one does not take a specific issue like that

1773
01:36:37.545 --> 01:36:39.045
and then treat it as dealing

1774
01:36:39.045 --> 01:36:40.645
with all subsequent negotiations.

1775
01:36:41.225 --> 01:36:42.445
But we're happy to try

1776
01:36:42.445 --> 01:36:43.445
and see if we can reach some,

1777
01:36:44.025 --> 01:36:45.765
we can make some further progress.

1778
01:36:46.185 --> 01:36:47.405
But I'm not optimistic,

1779
01:36:49.685 --> 01:36:52.725
I would very much not want this to be seen as a,

1780
01:36:53.505 --> 01:36:54.805
an argumentative point,

1781
01:36:55.265 --> 01:36:59.565

but I would refer you to the agenda item

1782

01:37:00.115 --> 01:37:02.525

heading, which says risk controls

1783

01:37:02.525 --> 01:37:05.525

and any proposed changes to the application, including

1784

01:37:06.045 --> 01:37:08.965

progress made since 28th of September, 2023

1785

01:37:09.025 --> 01:37:11.085

for identifying proposals for the application

1786

01:37:11.085 --> 01:37:12.445

of additional risk controls.

1787

01:37:14.105 --> 01:37:18.605

And it goes on, it's a pretty comprehensive agenda item.

1788

01:37:19.185 --> 01:37:21.725

And I think it's, uh, whether

1789

01:37:21.785 --> 01:37:26.725

or not we, uh, link this discussion to the provision

1790

01:37:26.725 --> 01:37:29.085

of physical, uh, protection measures

1791

01:37:29.185 --> 01:37:31.685

or not, we will be pursuing, um,

1792

01:37:32.025 --> 01:37:35.725

the applicant's emerging ideas on additional risk controls,

1793

01:37:38.305 --> 01:37:40.765

I'm sure, but equally, it's not the role of the tribunal

1794

01:37:40.985 --> 01:37:43.685

to tell parties when to wo without prejudice,

1795

01:37:43.745 --> 01:37:45.565
if I may respectfully say so.

1796

01:37:47.805 --> 01:37:51.305
So could I Isabella, tough for DF dss.

1797

01:37:52.115 --> 01:37:54.065
Could I just say we had understood,

1798

01:37:54.065 --> 01:37:55.570
certainly from the change request

1799

01:37:55.635 --> 01:37:59.045
that the applicant was proposing, um, the addition

1800

01:37:59.045 --> 01:38:02.365
of a new requirement in the DCO, um, in relation

1801

01:38:02.385 --> 01:38:05.205
to enhanced navigational management controls,

1802

01:38:06.735 --> 01:38:08.185
what the nature of those controls

1803

01:38:08.185 --> 01:38:09.585
were, we were not clear about.

1804

01:38:09.785 --> 01:38:11.825
I don't think that's specified in the change request,

1805

01:38:11.925 --> 01:38:14.625
and I understand it's the subject of ongoing discussions.

1806

01:38:14.685 --> 01:38:17.225
And we would also be interested in the outcome,

1807

01:38:17.225 --> 01:38:19.185
what the actual controls are.

1808

01:38:20.805 --> 01:38:23.705

We would also be interested to understand,

1809

01:38:23.705 --> 01:38:25.945

because you'll recall that we have been asking

1810

01:38:26.005 --> 01:38:28.625

for some operational controls to be secured through the DC0

1811

01:38:28.965 --> 01:38:31.985

and the applicant has, uh, in previous hearings said

1812

01:38:32.145 --> 01:38:36.465

that would be, um, inappropriate, uh,

1813

01:38:36.465 --> 01:38:38.745

because there were different regulatory, uh,

1814

01:38:38.855 --> 01:38:40.385

regimes including the Harbor Master

1815

01:38:40.885 --> 01:38:42.745

and the Harbor Master, even in his deadline.

1816

01:38:42.885 --> 01:38:46.185

Six submissions I think says that the specification

1817

01:38:46.185 --> 01:38:48.625

of operational controls through the DC0 would be

1818

01:38:49.375 --> 01:38:51.665

inappropriate and potentially hazardous.

1819

01:38:52.365 --> 01:38:55.265

Um, so it's, we'd be interested

1820

01:38:55.265 --> 01:38:57.105

to know if the Harbor Master has changed his position on

1821

01:38:57.105 --> 01:39:00.505

that and is content to now accept some operational controls

1822
01:39:00.505 --> 01:39:02.585
to be secured through, um, the DCO.

1823
01:39:02.585 --> 01:39:03.945
It seems the applicant has,

1824
01:39:04.365 --> 01:39:07.305
but obviously it's the nature of the controls is going

1825
01:39:07.305 --> 01:39:12.145
to be key here and may have, um, raise issues

1826
01:39:12.145 --> 01:39:14.625
that are of concern in terms of congestion

1827
01:39:14.765 --> 01:39:15.865
as well as safety.

1828
01:39:16.005 --> 01:39:20.185
And so we're, we're very, um, keen for

1829
01:39:20.535 --> 01:39:23.385
what those measures are going to be to actually come

1830
01:39:23.385 --> 01:39:25.625
to the table, whether that's through discussion

1831
01:39:25.625 --> 01:39:29.105
and agreement or the applicant just sets out its position so

1832
01:39:29.105 --> 01:39:31.265
that we have the opportunity to consider and respond.

1833
01:39:33.845 --> 01:39:36.465
Indeed, I I, I see here the problem being is

1834
01:39:36.465 --> 01:39:38.425
that there's a great degree of contingency.

1835
01:39:39.325 --> 01:39:41.265

In other words, it depends,

1836

01:39:41.605 --> 01:39:43.985

and there the controls are interrelated

1837

01:39:44.365 --> 01:39:49.065

and are protected by the, the, uh, the, the, the,

1838

01:39:50.565 --> 01:39:51.585

uh, point that Mr.

1839

01:39:51.785 --> 01:39:52.825

Vin has clearly made.

1840

01:39:53.085 --> 01:39:56.745

Um, I think the question really now is how long do we,

1841

01:39:56.885 --> 01:39:58.505

um, we break for,

1842

01:39:58.645 --> 01:40:01.265

We, we need to ask the applicant first whether it thinks

1843

01:40:01.275 --> 01:40:05.865

there is any merit in taking an adjournment for

1844

01:40:05.865 --> 01:40:09.785

however long it might ultimately be suggested to go away

1845

01:40:09.785 --> 01:40:14.225

and have a powwow with iot in particular, Mr. Strong,

1846

01:40:14.765 --> 01:40:18.425

Uh, the, the short James Strong for the applicant.

1847

01:40:18.565 --> 01:40:19.945

The short answer is yes,

1848

01:40:20.255 --> 01:40:24.825

because I'm a great believer in always having a discussion.

1849

01:40:25.205 --> 01:40:27.745

I'm obviously not encouraged by Mr.

1850

01:40:27.915 --> 01:40:31.945

Elvin saying he doesn't think it's going to be fruitful.

1851

01:40:32.165 --> 01:40:36.785

Um, I would always think that parties getting together,

1852

01:40:36.855 --> 01:40:37.905

it's, it is a good idea.

1853

01:40:38.405 --> 01:40:41.425

So it, the short answer is yes, just in context.

1854

01:40:43.045 --> 01:40:46.625

Uh, I've made my observation about the without prejudice,

1855

01:40:46.825 --> 01:40:48.265

I mean that remains the spirit.

1856

01:40:48.775 --> 01:40:53.025

What we are seeking to achieve is some

1857

01:40:54.745 --> 01:40:58.005

degree of consensus, if that's the right word, as to

1858

01:40:59.055 --> 01:41:01.085

additional operational measures.

1859

01:41:01.585 --> 01:41:04.525

And we've always specified operational measures, which may,

1860

01:41:05.275 --> 01:41:08.525

even if they don't totally satisfy the parties, go some way

1861

01:41:08.525 --> 01:41:11.885

to alleviating some of their concerns, if

1862

01:41:11.885 --> 01:41:14.085

that's the right way of expressing it,

1863

01:41:14.435 --> 01:41:17.005

even though we don't think they are necessary.

1864

01:41:18.025 --> 01:41:21.445

That's the spirit We've been conducting all

1865

01:41:21.445 --> 01:41:24.085

of these discussions with IO ot.

1866

01:41:25.165 --> 01:41:28.965

I don't agree with the principle

1867

01:41:28.965 --> 01:41:31.845

of without prejudice partial waiver,

1868

01:41:32.865 --> 01:41:34.885

but I don't want to get into a debate about that.

1869

01:41:35.305 --> 01:41:37.925

It was clear that my

1870

01:41:37.925 --> 01:41:39.485

understanding, I'm not speaking from Mr.

1871

01:41:39.725 --> 01:41:42.405

vin's understanding. My understanding was that that was seen

1872

01:41:42.505 --> 01:41:45.805

as hampering the ability to have this discussion, hence why

1873

01:41:47.065 --> 01:41:50.605

we are perfectly willing to show exactly

1874

01:41:50.675 --> 01:41:51.925

what we've been discussing.

1875

01:41:52.185 --> 01:41:55.485

If, if Mr. Alban's not, then we'll have

1876

01:41:55.485 --> 01:41:58.125

to review whether the waiver amounts to both.

1877

01:41:58.225 --> 01:42:02.125

But we are very happy to, to explain what we've been doing

1878

01:42:02.705 --> 01:42:03.925

as to the point about Mr.

1879

01:42:04.105 --> 01:42:06.645

Mr. Fer being interested in the,

1880

01:42:06.705 --> 01:42:08.205

the detail of operational measures.

1881

01:42:08.225 --> 01:42:09.565

Yes, of course we'll explain.

1882

01:42:09.785 --> 01:42:13.525

We did, however, make it clear in the change request,

1883

01:42:14.065 --> 01:42:15.805

and we have always made it clear

1884

01:42:16.435 --> 01:42:19.925

that operational measures are a feature of this

1885

01:42:20.995 --> 01:42:22.445

operation in the Humber.

1886

01:42:23.665 --> 01:42:27.325

And everything I've said is not intended

1887

01:42:27.385 --> 01:42:30.765

to track from our principle case that of course

1888

01:42:32.425 --> 01:42:35.925

it is and will remain a, a feature

1889

01:42:36.385 --> 01:42:40.365

of navigation on this river come what may with the DCO

1890

01:42:40.365 --> 01:42:42.365
or not, that the Harbor master

1891

01:42:43.145 --> 01:42:45.925
can impose operational controls in addition

1892

01:42:45.925 --> 01:42:48.645
to the ones which are already standing instructions.

1893

01:42:48.705 --> 01:42:51.405
So for example, 2.5 knot

1894

01:42:51.935 --> 01:42:56.485
title restriction on a a onto a berth being what a, a tug

1895

01:42:57.285 --> 01:42:59.645
I probably get, I probably massacred the direction,

1896

01:42:59.645 --> 01:43:02.005
but in principle, what you're referring to,

1897

01:43:02.345 --> 01:43:05.525
and there's the ability for the harbor master to change

1898

01:43:05.525 --> 01:43:06.645
that or add to it.

1899

01:43:07.105 --> 01:43:10.605
We, what we are dealing with as an applicant is

1900

01:43:11.225 --> 01:43:15.405
the principle of volunteering an operational measure

1901

01:43:15.915 --> 01:43:20.685
that goes beyond that which the Harbor master

1902

01:43:21.435 --> 01:43:25.205
himself requires in order to provide that potential comfort.

1903

01:43:25.385 --> 01:43:28.565

As part of the change request, I'll lead the harbor master

1904

01:43:28.785 --> 01:43:32.325

to, to speak for himself about the principle of that.

1905

01:43:32.505 --> 01:43:35.605

But our, our own understanding of course is that that is

1906

01:43:36.205 --> 01:43:40.365

entirely unproblematic from a harbor master perspective

1907

01:43:40.365 --> 01:43:44.885

because anything that's said to be an increase in

1908

01:43:46.035 --> 01:43:48.925

enhancement of the risk control is, is beneficial.

1909

01:43:48.985 --> 01:43:50.085

But I let, but that's very,

1910

01:43:50.185 --> 01:43:51.605

you can hear from the harbor master on that.

1911

01:43:51.985 --> 01:43:55.445

So back to your, back to the question, yes, let's have a,

1912

01:43:56.025 --> 01:43:59.845

we will, we will certainly meet with IOT positively,

1913

01:44:00.425 --> 01:44:03.285

and I will also speak to, um, Mr.

1914

01:44:03.545 --> 01:44:05.645

Fer, um, perhaps

1915

01:44:05.775 --> 01:44:09.125

after I've done the meeting with IOT, if she doesn't mind,

1916

01:44:09.265 --> 01:44:10.885

but I can do it before she'll.

1917

01:44:13.275 --> 01:44:15.245

Importantly, we are going to come to the hub,

1918

01:44:15.465 --> 01:44:17.405

the hub master, um,

1919

01:44:17.405 --> 01:44:18.925

because there is a suggestion

1920

01:44:18.925 --> 01:44:23.885

that operational controls might be, um, coming to the table,

1921

01:44:24.185 --> 01:44:27.365

but can they lawfully be put to the table

1922

01:44:27.465 --> 01:44:30.485

and they'd been made the subject of discussion given

1923

01:44:30.595 --> 01:44:33.765

that they are something that isn't, as we are being told

1924

01:44:33.765 --> 01:44:35.685

by the har master in his bailiwick.

1925

01:44:36.585 --> 01:44:38.725

Um, and it may well be that there,

1926

01:44:38.775 --> 01:44:41.325

there might be something about to be discussed, uh,

1927

01:44:41.345 --> 01:44:45.165

in another room, uh, to which, uh, captain Furman turns

1928

01:44:45.165 --> 01:44:47.165

around and says, sorry, chaps can't go with that

1929

01:44:47.165 --> 01:44:49.725

because, uh, the legislation

1930

01:44:49.725 --> 01:44:52.045

that I'm operating under out trumps all of that,

1931

01:44:52.265 --> 01:44:55.165

and I need to, um, in effect enforce that.

1932

01:44:55.665 --> 01:44:58.605

So Harbor Master any comment on that? Sort of

1933

01:44:59.855 --> 01:45:00.855

Thank you sir area.

1934

01:45:00.985 --> 01:45:02.645

So Victoria Hasen for the Harbor Master,

1935

01:45:03.025 --> 01:45:04.125

may I address you on that point?

1936

01:45:04.185 --> 01:45:06.165

And I'll address you very briefly on without

1937

01:45:06.165 --> 01:45:07.485

prejudice as well, if that's all.

1938

01:45:07.585 --> 01:45:11.165

All right. Um, in terms of, um,

1939

01:45:11.675 --> 01:45:13.365

whether this would be lawful

1940

01:45:13.365 --> 01:45:15.765

or not, there is actually another example

1941

01:45:15.785 --> 01:45:16.925

of this having occurred,

1942

01:45:16.945 --> 01:45:19.045

and that was at Lake Loathing in loof

1943

01:45:19.055 --> 01:45:23.885

where operational controls, um, were part of the DC0.

1944

01:45:25.505 --> 01:45:26.965

Um, the har the, the,

1945

01:45:26.965 --> 01:45:29.805

the key point from the Harbor master's perspective is

1946

01:45:29.805 --> 01:45:32.365

that his hands are not banned in any way.

1947

01:45:33.345 --> 01:45:37.565

So any operational control as proposes this part of d

1948

01:45:38.305 --> 01:45:40.125

as, as this part of this DC0

1949

01:45:40.715 --> 01:45:42.885

will be looked at extremely carefully.

1950

01:45:44.145 --> 01:45:46.685

It will have to be a minimum control.

1951

01:45:47.965 --> 01:45:52.205

IE if the harbor master in the future wants to apply,

1952

01:45:52.905 --> 01:45:55.165

uh, other additional controls,

1953

01:45:55.635 --> 01:45:57.205

then he would be free to do so.

1954

01:45:59.185 --> 01:46:01.845

So that's, that's the position and,

1955

01:46:01.985 --> 01:46:05.285

and if a proposal comes forward, we will give you, um,

1956

01:46:05.465 --> 01:46:06.685

our clear response on that.

1957

01:46:06.705 --> 01:46:08.925

But it is absolutely right that up until this point,

1958

01:46:09.265 --> 01:46:12.165

the hub master has resisted, uh,

1959

01:46:12.165 --> 01:46:14.365

operational controls being part of the DCO

1960

01:46:14.365 --> 01:46:16.645

because as you say, sir, it is part of his bailiwick.

1961

01:46:17.425 --> 01:46:22.365

And, um, you know, we see no reason why the

1962

01:46:23.445 --> 01:46:28.125

existing statutory regime, uh, would not be sufficient

1963

01:46:28.125 --> 01:46:32.605

or appropriate to, um, to ensure the safety

1964

01:46:32.625 --> 01:46:35.365

of the operation of this new development as

1965

01:46:35.365 --> 01:46:36.605

with any new development.

1966

01:46:36.945 --> 01:46:38.965

So that, I hope that summarizes the position.

1967

01:46:39.505 --> 01:46:41.445

May I just say this on, on without prejudice

1968

01:46:41.875 --> 01:46:45.045

because I, I mean, I hope we won't get into, he said,

1969

01:46:45.065 --> 01:46:49.565

she said, et cetera, the Harbor ma there are many aspects

1970

01:46:49.565 --> 01:46:52.445

of the Hub Master's role that require confidential

1971

01:46:52.555 --> 01:46:53.845

discussions to occur,

1972

01:46:55.265 --> 01:46:58.605

and where confidential, where parties are agreed

1973

01:46:58.605 --> 01:47:00.165

that things are confidential in

1974

01:47:00.165 --> 01:47:01.405

principle, that should remain.

1975

01:47:02.625 --> 01:47:06.725

And if that is undermined by one party in, in,

1976

01:47:06.865 --> 01:47:10.165

in one discreet area without consent of everyone,

1977

01:47:10.455 --> 01:47:14.725

there is a risk of undermining, uh, the confidentiality,

1978

01:47:15.545 --> 01:47:17.805

uh, which is important across the board in some

1979

01:47:17.805 --> 01:47:20.285

of the Harbor Master's, um, role, for example,

1980

01:47:20.765 --> 01:47:21.925

investigating an incident, something like that.

1981

01:47:23.395 --> 01:47:26.405

Yesterday reference was made to things

1982

01:47:26.405 --> 01:47:28.725

that Harbormaster had apparently said at a meeting,

1983

01:47:28.895 --> 01:47:32.685

which was without prejudice reference was made by IOT.

1984

01:47:33.145 --> 01:47:34.685

Uh, that was extremely disappointing.

1985

01:47:35.545 --> 01:47:39.405

Now, as it happens, the Harbor Master is content for, uh,

1986

01:47:39.555 --> 01:47:40.685

that meeting to,

1987

01:47:40.865 --> 01:47:42.645

to waive his privilege in relation to that meeting.

1988

01:47:44.465 --> 01:47:45.845

But going forward,

1989

01:47:45.945 --> 01:47:47.805

and I don't know if this applies to anything else

1990

01:47:47.865 --> 01:47:50.005

or whether it's gonna come up again going forward,

1991

01:47:50.305 --> 01:47:52.205

if meetings are without prejudice,

1992

01:47:53.345 --> 01:47:54.565

the Harbor Master's perspective,

1993

01:47:54.595 --> 01:47:56.045

they should remain without prejudice.

1994

01:47:56.455 --> 01:47:57.455

Thank you.

1995

01:48:00.725 --> 01:48:02.825

Uh, just for a matter of clarification,

1996

01:48:02.845 --> 01:48:07.265

is the Harbor Master involved in this current, uh, uh,

1997

01:48:07.475 --> 01:48:11.185

let's call it set or, or, or se series of discussions?

1998

01:48:12.905 --> 01:48:15.745

Victoria hadn't for the hub master, uh, to an extent, uh,

1999

01:48:15.745 --> 01:48:18.225

obviously we don't know discussions we're not involved in,

2000

01:48:18.245 --> 01:48:20.065

but, but to an extent, it's, it's not something

2001

01:48:20.065 --> 01:48:22.585

that's come out the blue, if that was the question.

2002

01:48:23.645 --> 01:48:25.425

Not quite. I mean, I think it's just is,

2003

01:48:25.445 --> 01:48:27.265

is the Harbor master a party

2004

01:48:27.485 --> 01:48:29.545

to the without prejudice discussions,

2005

01:48:29.545 --> 01:48:32.705

which have been ongoing from just before 27th

2006

01:48:32.705 --> 01:48:34.185

and December, uh, or September?

2007

01:48:34.925 --> 01:48:36.865

No. So, uh, thank you Sir.

2008

01:48:37.025 --> 01:48:38.945

Victoria hadn't Harbor Master not prior

2009

01:48:39.045 --> 01:48:41.185

to the 28th of September letter,

2010

01:48:41.805 --> 01:48:44.665

but subsequent to that, the hub master has been at a couple

2011

01:48:44.665 --> 01:48:46.705

of meetings, one of which was referred to yesterday,

2012

01:48:49.525 --> 01:48:50.665

Sir Isabella.

2013

01:48:50.735 --> 01:48:54.585

Four. Four ds. Sir, could I just be clear about this?

2014

01:48:54.675 --> 01:48:56.225

We've heard a moment ago about one

2015

01:48:56.225 --> 01:48:59.825

of the potential operational controls that could be secured,

2016

01:49:00.075 --> 01:49:03.425

which is to require tug assistance to birth one.

2017

01:49:04.005 --> 01:49:08.305

Um, I would, I would just like to ask you to look again

2018

01:49:08.885 --> 01:49:13.505

at the Harbor Master's representations rep 4 0 3 2

2019

01:49:14.485 --> 01:49:19.065

and rep 6 0 4 3, in which he says

2020

01:49:19.095 --> 01:49:20.385

that it would be inappropriate

2021

01:49:20.565 --> 01:49:23.025

and hazardous to prescribe operational controls

2022

01:49:23.025 --> 01:49:26.265

through the DC0 or to stipulate towage requirements.

2023

01:49:26.885 --> 01:49:30.145

So to the extent that things are now being promoted to you

2024

01:49:30.165 --> 01:49:32.425

as solutions to issues

2025

01:49:32.445 --> 01:49:36.625

and concerns that we had raised, um, you'll remember

2026

01:49:36.975 --> 01:49:38.105

that you asked Mr.

2027

01:49:38.195 --> 01:49:40.585

Straw, and I think it was an issue specific hearing too.

2028

01:49:41.115 --> 01:49:43.985

Would it be appropriate for operating limits to be secured?

2029

01:49:44.765 --> 01:49:48.525

Um, and his response recorded in their summary of, sorry,

2030

01:49:48.525 --> 01:49:52.765

it was issued specific hearing three rep 4 0 0 9, no,

2031

01:49:52.825 --> 01:49:55.205

it would not be appropriate, um,

2032

01:49:55.845 --> 01:49:57.885

pre-existing regulatory requirements

2033

01:49:57.885 --> 01:50:01.605

to ensure navigation be inappropriate to reg, uh, replicate

2034

01:50:01.605 --> 01:50:03.325

or interfere with the regulatory process.

2035

01:50:03.465 --> 01:50:06.445

Now, we've just heard from that, uh, Harbor Master

2036

01:50:06.475 --> 01:50:09.885

that in fact that very processes has been found

2037

01:50:09.885 --> 01:50:11.605

to be acceptable and appropriate, um,

2038

01:50:11.625 --> 01:50:13.245
in the Lake Loathing, DC0.

2039

01:50:13.665 --> 01:50:15.365
Um, we've always asked for it,

2040

01:50:15.625 --> 01:50:17.245
but you will need to be clear on whether

2041

01:50:17.245 --> 01:50:19.645
what the applicant is now proposing as the solution is,

2042

01:50:19.745 --> 01:50:21.405
as the Harbor master previously said,

2043

01:50:22.075 --> 01:50:23.605
inappropriate and hazardous.

2044

01:50:28.585 --> 01:50:32.725
So can I just respond on, on one matter, um, like Mr.

2045

01:50:33.545 --> 01:50:36.405
str, I'm entirely happy we tried engaging discussions.

2046

01:50:36.525 --> 01:50:37.685
I was, I I didn't say

2047

01:50:37.685 --> 01:50:39.005
that wouldn't be constructive if I just said

2048

01:50:39.005 --> 01:50:40.085
I wasn't optimistic, Mr.

2049

01:50:40.085 --> 01:50:42.605
Straughan. Um, I don't accept Ms.

2050

01:50:42.645 --> 01:50:44.645
Hutton's characterization of the meeting

2051

01:50:44.645 --> 01:50:47.285

with the Harbor Master, but I just don't want to waste, um,

2052

01:50:47.685 --> 01:50:49.045
examination time on such matters

2053

01:50:49.425 --> 01:50:52.285
and we'll see where we get to without prejudice.

2054

01:50:53.255 --> 01:50:57.045
Cover was an insistence by ABP when we had those meetings,

2055

01:50:57.065 --> 01:50:58.245
and we can discuss that further.

2056

01:50:58.345 --> 01:51:01.645
And whether we just, uh, weigh wave that entirely

2057

01:51:01.705 --> 01:51:03.645
as ABP now seems to be suggesting

2058

01:51:03.645 --> 01:51:05.365
and put in front of you what is proposed.

2059

01:51:06.255 --> 01:51:08.685
We'll, we can discuss that as part of our discussions.

2060

01:51:13.075 --> 01:51:15.495
I'm so sorry, Victoria Hadden for the Harbor Master.

2061

01:51:15.595 --> 01:51:19.775
May I just come back to, um, DFDS on the point about

2062

01:51:20.295 --> 01:51:22.415
previous representations, the point I was trying

2063

01:51:22.415 --> 01:51:25.135
to make earlier is that this is not about stipulating

2064

01:51:25.675 --> 01:51:27.335
the controls of here and after.

2065

01:51:27.845 --> 01:51:31.095

What the Harbor Master needs to, um,

2066

01:51:31.955 --> 01:51:35.775

ensure is that if, if there were, for example, one tag on,

2067

01:51:36.195 --> 01:51:39.415

on berth one, um, that would be a minimum.

2068

01:51:39.715 --> 01:51:42.455

So it's not a stipulation of the controls here and

2069

01:51:42.455 --> 01:51:43.895

after it is a minimum,

2070

01:51:44.675 --> 01:51:49.655

and then everything else is, is, uh, up to, um, uh,

2071

01:51:49.795 --> 01:51:51.455

the, the other statutory regime.

2072

01:51:51.585 --> 01:51:52.585

Thank you

2073

01:51:55.515 --> 01:51:56.935

Mr. Owens indicator.

2074

01:51:56.955 --> 01:51:58.095

I'm, I'm gonna come to him in a minute,

2075

01:51:58.195 --> 01:52:01.935

but I'm just gonna say it should be of no surprise

2076

01:52:02.035 --> 01:52:05.775

to anybody in the room, uh, that, that, that when we get

2077

01:52:05.775 --> 01:52:10.375

to the DCO hearing tomorrow, uh, requirement 18, um,

2078

01:52:10.545 --> 01:52:13.095

which is the one that deals currently

2079

01:52:13.095 --> 01:52:15.455

with the Impact protection measures, uh, as proposed

2080

01:52:15.455 --> 01:52:18.375

by the applicant, was going to be this discussion probably

2081

01:52:18.375 --> 01:52:21.775

of quite a lot of, um, questions and debate

2082

01:52:21.775 --> 01:52:25.895

because, um, we are going to touch on, um,

2083

01:52:27.275 --> 01:52:32.055

who in effect decides what under that requirement,

2084

01:52:32.055 --> 01:52:34.735

that is still something that, um, it's fair

2085

01:52:34.735 --> 01:52:38.495

to say the examining authority is wrestling with as to, um,

2086

01:52:39.275 --> 01:52:43.695

decide what sort of recommendation we may have

2087

01:52:43.695 --> 01:52:44.935

to make to the Secretary State.

2088

01:52:45.285 --> 01:52:47.005

Ultimately, when we get to a reporting stage,

2089

01:52:47.545 --> 01:52:49.925

and of course everybody will be aware, it doesn't matter

2090

01:52:49.925 --> 01:52:52.885

what our recommendation is, we are still going to have

2091

01:52:52.885 --> 01:52:54.885

to grapple with that issue, um,

2092

01:52:54.885 --> 01:52:57.525

because the Secretary State will want some form

2093

01:52:57.525 --> 01:53:01.885

of final version of ADCO that he can consider, um,

2094

01:53:01.885 --> 01:53:05.405

irrespective of whatever our recommendation might ultimately

2095

01:53:05.465 --> 01:53:07.045

be, because that's, that's the process.

2096

01:53:07.985 --> 01:53:08.985

Um, Mr. Owen,

2097

01:53:10.505 --> 01:53:13.685

Uh, Robbie, OCDN, sir, without wishing to, um,

2098

01:53:14.175 --> 01:53:15.485

delay the coffee break even further.

2099

01:53:15.515 --> 01:53:17.645

Just very briefly, if I may, in relation

2100

01:53:17.645 --> 01:53:20.005

to the late loathing, uh, development consent order,

2101

01:53:20.215 --> 01:53:23.605

which Ms uh, Hutton mentioned, that is one that I,

2102

01:53:24.185 --> 01:53:25.605

um, promoted for the applicant.

2103

01:53:25.725 --> 01:53:30.485

I, I don't immediately recall, um, anything, um, in terms

2104

01:53:30.485 --> 01:53:32.765

of operational controls as I think they were just called,

2105

01:53:32.985 --> 01:53:36.565

uh, earlier, um, uh, being included in that DCO, it,

2106

01:53:36.565 --> 01:53:37.565
of course, is a very different project

2107

01:53:37.565 --> 01:53:39.845
that was a bridge crossing, crossing a harbor.

2108

01:53:40.665 --> 01:53:45.565
Um, so if you are to take what has been said into account,

2109

01:53:45.725 --> 01:53:46.845
I would ask if, if,

2110

01:53:46.865 --> 01:53:49.285
if maybe Harbor Master Humber could supply further details,

2111

01:53:49.395 --> 01:53:50.885
what are these, uh,

2112

01:53:50.885 --> 01:53:53.285
alleged operational controls in the late loathing order

2113

01:53:53.285 --> 01:53:55.085
that are relevant so that we can all consider that?

2114

01:53:55.615 --> 01:53:56.615
Thank you.

2115

01:53:57.345 --> 01:54:00.965
If I can just throw my tupin head on this section, 1, 4 5,

2116

01:54:02.175 --> 01:54:05.795
uh, five A of the 2008 ACT

2117

01:54:06.415 --> 01:54:09.235
en enables you to impose any matters

2118

01:54:09.235 --> 01:54:11.315
that could be imposed under a harbor revision order.

2119

01:54:11.595 --> 01:54:15.635

Schedule two, schedule two of the Harbors Act 1964, uh,

2120

01:54:15.735 --> 01:54:20.355

allows you to, uh, uh, regulate the carrying on by others

2121

01:54:20.495 --> 01:54:22.155

of activities relating to the harbor.

2122

01:54:22.335 --> 01:54:24.875

So as, as I read it, you do have power

2123

01:54:24.895 --> 01:54:26.475

to impose operational controls.

2124

01:54:26.625 --> 01:54:28.795

That doesn't mean to say the Harbor Master

2125

01:54:29.485 --> 01:54:31.955

can't make variations at a later stage if he,

2126

01:54:31.975 --> 01:54:33.275

if he thinks they're necessary,

2127

01:54:33.295 --> 01:54:36.395

but I read it as you do have power to do it.

2128

01:54:44.615 --> 01:54:47.235

Uh, Ms. Hutton, are you able to assist on the point

2129

01:54:47.235 --> 01:54:48.955

that Mr. Owen just raised in terms

2130

01:54:48.955 --> 01:54:52.515

of the lock loathing order as it would appear that he has

2131

01:54:53.205 --> 01:54:54.915

quite a lot of knowledge of that order,

2132

01:54:55.015 --> 01:54:57.715

but is there something lurking away inside it

2133

01:54:57.715 --> 01:54:59.875

that perhaps he didn't deal with?

2134

01:55:00.055 --> 01:55:01.515

Uh, maybe another colleague did

2135

01:55:01.535 --> 01:55:03.755

or it wasn't something that was a, a star

2136

01:55:03.755 --> 01:55:05.075

of the show for that particular case?

2137

01:55:05.735 --> 01:55:06.795

Um, thank you sir.

2138

01:55:06.955 --> 01:55:09.555

Victoria Hudden for the Harbor Master, it's Article 41,

2139

01:55:09.805 --> 01:55:14.075

which, um, quite a scheme of operation, uh,

2140

01:55:14.255 --> 01:55:16.595

for the bridging question, but we can, we can provide that

2141

01:55:16.655 --> 01:55:19.635

to you in terms of a sort of mechanics

2142

01:55:19.855 --> 01:55:21.035

of how something has worked.

2143

01:55:21.035 --> 01:55:22.435

That is, uh, an example

2144

01:55:23.845 --> 01:55:26.275

While we're touching on made orders,

2145

01:55:26.415 --> 01:55:27.515

Mr I'll come to you in a minute.

2146

01:55:28.015 --> 01:55:32.195

Um, we've seen reference, um, from the applicant in terms

2147

01:55:32.195 --> 01:55:34.795

of precedent, in terms of tilbury to

2148

01:55:34.935 --> 01:55:39.275

and able, we were going to tomorrow ask that those come in

2149

01:55:39.495 --> 01:55:42.355

as, uh, examination documents, not that it is

2150

01:55:42.355 --> 01:55:44.765

that we haven't got access to them, it's just

2151

01:55:44.765 --> 01:55:47.365

that they can then be allocated a, a library of reference

2152

01:55:47.365 --> 01:55:50.125

and if we need to refer to them in the report,

2153

01:55:50.125 --> 01:55:51.445

there's a vehicle for doing that.

2154

01:55:52.285 --> 01:55:53.765

I think we're going to now ask

2155

01:55:53.865 --> 01:55:56.565

for the lock loathing order also similarly

2156

01:55:56.565 --> 01:56:00.485

to come into the examination so that it's all above board

2157

01:56:00.515 --> 01:56:03.005

that the examining authority will have been looking at it,

2158

01:56:03.065 --> 01:56:06.765

and if we need to make reference to it, we can so do, um,

2159

01:56:07.105 --> 01:56:10.685

so applicant, will you make arrangements for Tilbury two

2160

01:56:10.945 --> 01:56:13.845

and, um, able to come in?

2161

01:56:14.295 --> 01:56:16.165

James, will the Harbor Master make the arrangements

2162

01:56:16.185 --> 01:56:18.245

for not noting? So

2163

01:56:18.295 --> 01:56:19.565

James, Sean for the applicant?

2164

01:56:19.985 --> 01:56:23.565

Yes, sir. And rather than respond to all the points made,

2165

01:56:23.865 --> 01:56:27.485

uh, I'm just going to simply reiterate my,

2166

01:56:28.145 --> 01:56:30.725

and our, the applicant's position has not changed.

2167

01:56:31.075 --> 01:56:34.365

I've emphasized everything we are doing here is without

2168

01:56:34.365 --> 01:56:38.645

prejudice to our primary position, including imposition

2169

01:56:38.705 --> 01:56:41.525

of controls, operational controls,

2170

01:56:41.735 --> 01:56:44.085

where I've already laid out my position

2171

01:56:44.515 --> 01:56:45.765

that it's neither necessary

2172

01:56:45.825 --> 01:56:48.725

or appropriate to do so in this case

2173
01:56:48.725 --> 01:56:50.485
because of the existing procedures.

2174
01:56:51.025 --> 01:56:52.405
But we are having

2175
01:56:52.585 --> 01:56:54.245
and moved a long way since that

2176
01:56:54.665 --> 01:56:56.565
of exploring other people's cases

2177
01:56:56.695 --> 01:57:00.125
where they say it is necessary and, and appropriate

2178
01:57:00.665 --> 01:57:05.245
and we are suggesting, indicating

2179
01:57:06.265 --> 01:57:08.085
the type of operational controls.

2180
01:57:09.025 --> 01:57:11.365
We, um, I'm, I I won't go over what I've already said,

2181
01:57:11.365 --> 01:57:12.885
but I just want to get back to that point.

2182
01:57:13.005 --> 01:57:14.525
I haven't changed my position.

2183
01:57:15.065 --> 01:57:16.605
We, we fully appreciate that,

2184
01:57:16.665 --> 01:57:18.645
but you'll understand that we might not

2185
01:57:18.675 --> 01:57:22.165
necessarily share the same view. We, we need precise

2186
01:57:22.165 --> 01:57:23.165

By doing it. Yeah,

2187

01:57:23.165 --> 01:57:26.605

we need to have ev all the am ammunition so

2188

01:57:26.605 --> 01:57:28.245

that when we are in the reporting phase

2189

01:57:28.305 --> 01:57:31.005

and we can't take any further evidence from anybody,

2190

01:57:31.795 --> 01:57:35.405

that we can work our way through, um, some sort of path

2191

01:57:36.105 --> 01:57:39.045

and come to a view as to what we might need

2192

01:57:39.045 --> 01:57:42.165

to be recommending to the Secretary of State, Mr. Ryan

2193

01:57:43.425 --> 01:57:44.765

Robbie Owen, CLDN.

2194

01:57:45.025 --> 01:57:48.405

Um, just on on Lake Clothing, it is Cent incidentally,

2195

01:57:48.405 --> 01:57:49.645

lake Loathing, DC0.

2196

01:57:49.665 --> 01:57:52.005

Um, grateful to Ms. Hutton.

2197

01:57:52.065 --> 01:57:54.445

Um, I mean I'm of course familiar with Article 41

2198

01:57:54.445 --> 01:57:56.405

and I wondered if that was what she may be referring to.

2199

01:57:56.555 --> 01:58:00.925

That is a article in common with other opening bridge orders

2200

01:58:00.955 --> 01:58:02.805

that regulates the opening of the bridge

2201

01:58:02.825 --> 01:58:05.325

as a very different sort of control to, I thought the kind

2202

01:58:05.325 --> 01:58:07.445

of controls we've been talking about in this room

2203

01:58:07.745 --> 01:58:09.605

and thought it's worth, I entirely agree, Mr.

2204

01:58:09.775 --> 01:58:12.845

Elvin, that, um, if additional authority were needed,

2205

01:58:12.845 --> 01:58:14.925

then it's in the provision of the planning Act that, uh,

2206

01:58:14.985 --> 01:58:17.965

you were referred to beyond the general provision about

2207

01:58:17.965 --> 01:58:21.405

requirements being, uh, uh, uh, those that can be imposed,

2208

01:58:21.585 --> 01:58:22.925

uh, as per planning conditions.

2209

01:58:22.925 --> 01:58:24.325

So I think there's ample authority for that,

2210

01:58:24.385 --> 01:58:28.645

but, uh, we, we can have the late loathing DCS submitted

2211

01:58:28.645 --> 01:58:31.285

as you've asked, and, um, it, it may be

2212

01:58:31.285 --> 01:58:32.685

of assistance, but I slightly doubted.

2213

01:58:32.935 --> 01:58:33.935

Thank you,

2214

01:58:34.505 --> 01:58:35.505

Mr. Thank you very much.

2215

01:58:35.505 --> 01:58:37.325

And uh, Mr. Vin also. Thank you.

2216

01:58:37.585 --> 01:58:42.445

Uh, obviously we are very, uh,

2217

01:58:42.445 --> 01:58:44.085

conscious of that particular, uh,

2218

01:58:44.085 --> 01:58:45.325

provision in the, in the act.

2219

01:58:45.665 --> 01:58:49.645

Um, the other thing I will just use if you like

2220

01:58:49.645 --> 01:58:52.685

as an overarching guide to your discussions is

2221

01:58:52.685 --> 01:58:55.565

that we will be relying in our considerations

2222

01:58:55.625 --> 01:58:58.125

and our recommendations very strongly on the Port

2223

01:58:58.125 --> 01:58:59.165

Marine safety code.

2224

01:59:00.065 --> 01:59:04.045

And so, uh, we are looking here, um, to

2225

01:59:04.835 --> 01:59:06.925

whether this development

2226

01:59:07.225 --> 01:59:11.805

and its operation could be made safe within the principles

2227

01:59:11.805 --> 01:59:13.445

of what is reasonably practicable.

2228

01:59:14.145 --> 01:59:17.085

So that's just keep referring back to

2229

01:59:17.085 --> 01:59:18.445

that I would encourage,

2230

01:59:23.705 --> 01:59:24.705

Right? I think we just

2231

01:59:24.705 --> 01:59:26.935

started the debate about the German

2232

01:59:26.985 --> 01:59:28.175

about half an hour ago.

2233

01:59:31.075 --> 01:59:35.415

Um, not, not that what's followed hasn't been useful, um,

2234

01:59:35.635 --> 01:59:40.175

but we are now at noon, so, um, potentially there is going

2235

01:59:40.175 --> 01:59:43.055

to need to be some sort of discussion, um,

2236

01:59:43.685 --> 01:59:46.175

that might take a while.

2237

01:59:46.995 --> 01:59:51.895

Um, any Suggestion either

2238

01:59:52.005 --> 01:59:53.215

from IOT and

2239

01:59:53.275 --> 01:59:55.895

or applicant as to how long you might think

2240

01:59:56.035 --> 01:59:59.215

to have some sort of useful dialogue?

2241

01:59:59.915 --> 02:00:03.935

Um, I, I'm thinking that we probably should not be resuming

2242

02:00:04.315 --> 02:00:06.735

before two o'clock because we've got the lunch period

2243

02:00:06.755 --> 02:00:07.815

to think about as well.

2244

02:00:08.995 --> 02:00:11.255

Is is in effect an hour or

2245

02:00:11.255 --> 02:00:14.615

however long, uh, you decide to chat

2246

02:00:14.615 --> 02:00:16.295

before you have your lunch or you have your lunch

2247

02:00:16.295 --> 02:00:19.215

and then you have your chat, whatever is a couple of hours

2248

02:00:20.035 --> 02:00:22.255

all told from the junk gonna be sufficient

2249

02:00:22.635 --> 02:00:24.295

or do you feel you might need a little more

2250

02:00:27.025 --> 02:00:28.215

James drawn for the applicant?

2251

02:00:28.475 --> 02:00:33.135

So I think that's sufficient, um, on the basis that

2252

02:00:34.115 --> 02:00:37.655

if peace breaks out then

2253

02:00:37.795 --> 02:00:40.775

and we need more time to, to pursue that,

2254
02:00:40.775 --> 02:00:42.535
then we could always come back

2255
02:00:42.595 --> 02:00:45.095
and seek your indulgence at two o'clock.

2256
02:00:45.275 --> 02:00:49.015
But I suspect that sort of timescale will at least allow us

2257
02:00:49.015 --> 02:00:50.815
to define differences

2258
02:00:51.155 --> 02:00:54.295
or agreements in principle and seek more time.

2259
02:00:54.315 --> 02:00:55.455
But I, I don't

2260
02:00:56.065 --> 02:00:57.695
David Elvin ot, I agree.

2261
02:00:57.755 --> 02:00:57.975
Yep,

2262
02:01:06.235 --> 02:01:06.675
I agree.

2263
02:01:09.125 --> 02:01:10.615
What was being whispered in my ear,

2264
02:01:10.615 --> 02:01:13.455
which is why I was slightly, um, sidetracked, was whether

2265
02:01:13.455 --> 02:01:17.135
or not we think about trying to run the transport side

2266
02:01:17.135 --> 02:01:19.375
of things while parties might still be talking about,

2267
02:01:20.035 --> 02:01:24.495

but if, um, some of the lawyers in particular

2268

02:01:24.555 --> 02:01:26.775

for certain parties are going to be

2269

02:01:27.335 --> 02:01:28.975

involved in the dialogue, that probably

2270

02:01:28.995 --> 02:01:30.015

is not going to work.

2271

02:01:33.835 --> 02:01:36.055

So James Strom for the applicant, if

2272

02:01:36.925 --> 02:01:40.685

it's certainly a possibility at two o'clock if more time

2273

02:01:40.685 --> 02:01:45.325

were needed, that that could be time between the marine,

2274

02:01:47.025 --> 02:01:50.525

uh, representatives without necessarily lawyers

2275

02:01:50.665 --> 02:01:53.005

and there's always a good debate as to whether lawyers are

2276

02:01:53.845 --> 02:01:56.405

a useful in a negotiation meeting.

2277

02:01:56.825 --> 02:01:57.925

But leave that aside,

2278

02:01:58.045 --> 02:02:00.125

I would've thought in principle if we had

2279

02:02:00.125 --> 02:02:03.285

that till two o'clock, if we needed more time,

2280

02:02:04.425 --> 02:02:07.085

we could certainly explore pressing ahead

2281

02:02:07.085 --> 02:02:10.605

with transport if everyone were content to that point, um,

2282

02:02:10.665 --> 02:02:14.565

and leaving others to talk behind the scenes. Is that sound

2283

02:02:15.095 --> 02:02:16.095

Again? I agree.

2284

02:02:16.095 --> 02:02:16.925

Okay.

2285

02:02:17.185 --> 02:02:19.565

But, and as far as the transport's concerned,

2286

02:02:19.565 --> 02:02:22.005

that's not a matter of concern to IOT operators,

2287

02:02:22.025 --> 02:02:25.245

so it's really a matter for ABP as to who, who they need.

2288

02:02:27.445 --> 02:02:29.845

I mean, while the adjournment is, is running, of course

2289

02:02:29.845 --> 02:02:32.165

that doesn't mean it doesn't preclude

2290

02:02:32.425 --> 02:02:34.045

the transport witnesses.

2291

02:02:34.065 --> 02:02:36.445

If there are any issues that they were needing to discuss,

2292

02:02:37.065 --> 02:02:39.325

as we suggested might have been the case yesterday,

2293

02:02:39.825 --> 02:02:43.245

of course they can't be having a separate conversation, uh,

2294

02:02:43.685 --> 02:02:45.645

possibly in another room because no doubt, um,

2295

02:02:46.725 --> 02:02:48.525

wherever this room is going to be for the,

2296

02:02:48.785 --> 02:02:51.325

the navigational side of things might get quite crowded.

2297

02:02:51.705 --> 02:02:55.005

Um, um,

2298

02:02:56.525 --> 02:02:59.205

I think then we have reached a point where it's sensible

2299

02:02:59.345 --> 02:03:00.845

to adjourn to two o'clock

2300

02:03:01.745 --> 02:03:04.405

and we'll come back at two o'clock review what

2301

02:03:05.075 --> 02:03:08.285

further adjourn may or may not be necessary at that point

2302

02:03:08.305 --> 02:03:11.485

and how we, if there is a further adjournment, oh, sorry,

2303

02:03:11.565 --> 02:03:14.005

a further discussion on, on the navigation side of things,

2304

02:03:14.545 --> 02:03:17.005

how we might play the, the transport side of things.

2305

02:03:17.825 --> 02:03:22.605

So, um, hearing is therefore adjourned until two o'clock.

2306

02:03:22.605 --> 02:03:23.245

Thank you very much.